



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Ng'ang'a (Deceased) (Succession Cause 604 of 2006)  
[2026] KEHC 2476 (KLR) (25 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2476 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
SUCCESSION CAUSE 604 OF 2006  
JM NANG'EA, J  
FEBRUARY 25, 2026**

**IN THE MATTER OF THE ESTATE OF THE LATE THAIRU NJOROGE NG'ANG'A**

**BETWEEN**

**EVANSON NGARUIYA ..... 1<sup>ST</sup> APPLICANT  
EUNICE NJOKI ..... 2<sup>ND</sup> APPLICANT**

**AND**

**ALICE WAIRIMU THAIRU ..... 1<sup>ST</sup> RESPONDENT  
JOSEPHINE WANGUI MWANGI ..... 2<sup>ND</sup> RESPONDENT  
HANNA NGINA ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**FRANCIS KAMAU THAIRU ..... PETITIONER**

**RULING**

1. By Notice of Motion dated 5/5/2025 the Applicants pray for reliefs as hereunder;-
  1. That this Honourable Court be pleased to grant leave for joinder of Evanson Ngaruiya & Eunice Njoki as parties in these proceedings as Proposed Interested Parties for purposes of responding to the Application dated 25/2/2025 filed by Mwaniki Kevin & Associates Advocates on behalf of Thairu and Josephine Wangui Thairu.
  2. That upon joinder of the proposed interested parties, the said Evanson Nyaruiya and Eunice Njoki be granted leave to file their respective responses and any other necessary documents to oppose the Application dated 25/2/2025.
  3. That the costs of this Application be in the cause.



2. The 1<sup>st</sup> Applicant swore an affidavit supporting the Application, purportedly with the authority of the 2<sup>nd</sup> Applicant. It is averred that by Judgement and Decree of the court dated 28/1/2015 and 8/8/2015 respectively, the court distributed the deceased's Estate among beneficiaries who included the Applicants. The 1<sup>st</sup> Applicant was allocated 1 1/4 acres of property known as Bahati/Iwendo Block 1/298 while Francis Kamau (deceased), who was the 2<sup>nd</sup> Applicant's husband, was also bequeathed a portion of the Estate measuring 3 1/2 acres where they resided.
3. The Applicants further aver that the Respondents filed the Application dated 25/2/2025 seeking to have the Judgement and Decree of the court alluded to hereinabove set aside and their appointment as Administrators of the Estate revoked. It is contended that the Application was neither served upon the Applicants nor other beneficiaries of the Estate. The Respondents are said to be proposing to alter the Applicants' shares of the Estate or disinherit them altogether resulting in great prejudice, hence this Application.
4. The 1<sup>st</sup> Respondent put in an Affidavit in reply to the Application opposing the same. While acknowledging that the Applicants were given shares of the Estate as stated, the 1<sup>st</sup> Respondent deposes that they contest the shares. It is claimed that the Estate was not distributed fairly to heirs in order of priority according to their relationship to the deceased.
5. The Applicants are also inter alia accused of intermeddling with the deceased's Estate by selling their shares to third parties without confirmation of Grant of Letters of Administration herein.
6. Learned Counsel for the parties filed written submissions which I have read through in relation to the Application and the record.
7. The Applicants submit inter alia that their right to property guaranteed by Article 40 of the constitution would be infringed if their Application is not allowed. They contend that they are resident on the property allocated to them and as persons interested in this Cause as dependants of the deceased and/or beneficiaries of the Estate, they are entitled to be joined into the proceedings. In support of their plea, the Applicants rely on the judicial determination in Re Estate of Stone Kathuli Muinde (Deceased) (2016) KEHC 3725 (KLR). This decision holds that persons interested in the Cause as dependants of the deceased and/or beneficiaries of the Estate have a right to be enjoined into the proceedings.
8. The Applicants further assert their right to be heard under Article 50 of constitution before orders that may be detrimental to their proprietary rights are issued.
9. The Respondents react by maintaining the position that the Applicants are not entitled to shares in the Estate by virtue of their relationship to the deceased vis a vis themselves, making reference to Section 29 of the Law of Succession Act that lists dependants of a deceased person. They also fault the Applicants for selling their shares to third parties before confirmation of Grant of Letters of Administration herein.
10. Contrary to the Respondents' stance, the Applicants have a direct and substantial interest to protect since the Respondents seek to disturb the court's decision that apportioned them shares in the Estate. It is agreed that they are beneficiaries of the Estate and had been allocated shares by the court. Whether or not the Applicants are proper beneficiaries is an issue that has already settled by the court's Judgement, unless the decision is set aside.
11. The Application is therefore allowed with no order as to costs. The Applicants have 14 days to file and serve their reply to the Application of 25/2/2025.

**RULING SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 25<sup>TH</sup> DAY FEBRUARY, 2026.**



**J. M. NANG'EA,**

**JUDGE.**

In the presence of:-

Applicant's Advocate, Mr. Cheruiyot for Mr. Atancha.

Respondent's Advocate, Ms Ndumbura

Court Assistant (Jeniffer)

**J. M. NANG'EA,**

**JUDGE.**

