

**DIRECTIONS**  
**HCFP&A E001 OF 2021**



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYAMIRA**  
**(CHERERE-J)**  
**HCFP&A E001 OF 2021**

IN THE MATTER OF THE ESTATE OF JOHNSTON OCHWANGI  
MORONGE (DECEASED)

BETWEEN  
RUDIAH KEMUNTO OCHWANGI.....3<sup>RD</sup>  
ADMINISTRATOR/APPLICANT  
MAKORI OCHWANGI MORONGE.....4<sup>TH</sup>  
ADMINISTRATOR/APPLICANT  
AND  
TRUPHENA MORAA OCHWANGI.....1<sup>ST</sup>  
ADMINISTRATOR/RESPONDENT  
DAVID OGEA OCHWANGI.....2<sup>ND</sup>  
ADMINISTRATOR/RESPONDENT

**DIRECTIONS**

1. These directions are grounded in Rule 40 of the Probate and Administration Rules, which governs confirmation of grants and provides as follows:

**Rule 40(1):**

**“Where the holder of a grant which has not been confirmed desires to have the grant confirmed, he shall apply by summons in Form 108 set out in the First Schedule supported by an affidavit in Form 8 or 9 set out in the First Schedule, which affidavit shall contain—**

- (a) such particulars as are required in the Form;

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- (b) a full inventory of all the assets and liabilities of the deceased so far as they are known to the applicant; and
- (c) a full and accurate statement of the persons beneficially entitled to the estate and the shares of such persons.”

Rule 40(6):

“Any person wishing to object to the confirmation of a grant may file an affidavit of protest in Form 10 set out in the First Schedule stating the grounds of his objection.”

2. This succession cause was filed in 2021. On 22<sup>nd</sup> October 2025, the parties agreed that Truphena Moraa Ochwangi, David Ogega Ochwangi, Ludiah Kemunto Ochwangi, and Makori Ochwangi Moronge be appointed as joint administrators of the estate of the deceased. The Court adopted the agreement and directed that letters of administration do issue to the said persons, and the letters were accordingly issued on the same date.
3. The Court further directed that the administrators do, jointly or severally, file a list of beneficiaries, a list of assets, and a proposed mode of distribution.
4. Pursuant to those directions, David Ogega Ochwangi filed in court a document titled *“Estate Beneficiaries Full List, List of Assets and Mode of Distribution”*, dated 28th November 2025.

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5. To date, Ludiah Kemunto Ochwangi and Makori Ochwangi Moronge, who are joint administrators of the estate, have not complied with the Court's directions to file, either jointly or severally, a list of beneficiaries, a list of assets, or a proposed mode of distribution.
  
6. The list of assets contained in the document filed by David Ogega Ochwangi sets out the estate as comprising land and real property, namely Nyamira/Nyansiongo Settlement Scheme/412 and 413, measuring approximately 24 acres; ancestral land at Ibanchore, Mogweko, Masimba, being Nyaribari Masaba/Bonyakoni/313, measuring approximately 12 acres; and a general category of unknown or undiscovered assets, including pensions, emoluments, insurance proceeds, and other similar benefits.
  
7. From the material placed before the Court, it is apparent that only land parcel number Nyamira/Nyansiongo Settlement Scheme/413 is presently supported by documentary evidence demonstrating ownership by the deceased a copy of the title deed and a certificate of official search in respect of the said parcel having been filed with the petition on 15<sup>th</sup> March 2021.
  
8. Although the list of assets includes Nyamira/Nyansiongo Settlement Scheme/412, Nyaribari Masaba/Bonyakoni/313, and

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what is referred to as ancestral land located in Ibanchore, Mogweko, Masimba and other unknown or undiscovered assets, no title documents, certificates of official search, or other evidence have been placed before the Court to establish that those properties or assets formed part of the free estate of the deceased.

9. On the basis of the record as it stands, those assets remain listed but unproven as estate assets.
10. Further, although the beneficiaries of the estate are clearly identified, the proposed mode of distribution does not specify or quantify the individual shares of each beneficiary.
11. The proposal is expressed in general and conditional terms, employs approximate measurements, and does not allocate defined portions of the proved estate to named beneficiaries. The shares of the beneficiaries are therefore not ascertained for purposes of confirmation of grant.
12. The Court notes that this succession cause has remained pending for a considerable period, for among other factors numerous applications by the parties and non-compliance with earlier directions.
13. The Court further notes that the proper identification of estate assets, particularly land, requires reference to official land

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registration records, the procurement of which may take some time.

14. In the interest of justice to the parties, and for purposes of fast-tracking the conclusion of this long-pending cause, it has therefore become necessary to issue further directions as follows:

- 1) David Ogega Ochwangi and Truphena Moraa Ochwangi shall, within fourteen (14) days, and in any event on or before 26<sup>th</sup> February 2026, file and serve affidavit(s) setting out a confirmed inventory of the estate, limited strictly to assets proved to belong to the deceased. Together with the said affidavit(s), they shall file and serve a clear and precise schedule of distribution identifying the proved estate asset or assets, setting out each beneficiary by name, and specifying the exact share or acreage proposed to be allocated to each beneficiary.
- 2) Given the failure by Ludiah Kemunto Ochwangi and Makori Ochwangi Moronge to comply with the Court's directions issued on 22<sup>nd</sup> October 2025, any objection to the confirmed inventory or the proposed mode of distribution filed by David Ogega Ochwangi and Truphena Moraa Ochwangi shall be raised strictly by way of a protest to be filed and served within fourteen (14) days of service.

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3) The matter shall be mentioned on 19<sup>th</sup> March 2026 to confirm compliance with these directions and for further orders as the Court may deem fit to issue.

DIRECTIONS ISSUED AT NYAMIRA THIS 12<sup>th</sup> DAY OF February 2026



WAMAE.T. W. CHERERE  
JUDGE

**Appearances**

Court Assistant - Hilda

For 3<sup>rd</sup> and 4<sup>th</sup> Administrators - Mr. Mongeri for Mongeri & Co.

Advocates

1<sup>st</sup> and 2<sup>nd</sup> Administrators - Present in person