



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NO. E003 OF 2020

IN THE MATTER OF ESTATE OF PAUL GATETE KIRATU

(DECEASED)

DORCAS NJERI MAINA.....1ST APPLICANT

PRISCILLA MUTHONI WANGAI.....2ND APPLICANT

-VERSUS-

FAITH NYAMBURA GATETE.....RESPONDENT

EX-TEMPORE RULING

1. What is before me is a summons dated 30th October, 2025 by the 2 co-administrators from the 1st house.
2. They seek injunctive relief against the co-administrators from the 2nd house and in particular rental proceeds from the property known as Nakuru Municipality Block 10/43 to be channelled into a SMEP Bank Account No.12792832.
3. The Applicants equally seeks the appointment of Estate Management Company to collect the rental proceeds.
4. The application is opposed on the grounds that;

5. The subject property is subject to ownership dispute currently pending determination in Nakuru ELC No. E007 of 2022.
6. That the application is another effort to stall the succession herein.
7. That in Succession Cause No.43 of 2019 the Court ordered on 14th January, 2022 on rental proceeds collection which orders are in force and not varied are set aside.
8. This Court recalls its jurisdiction to deal with assets constituting the estate of the deceased.
9. This Court further notes the admission of the Applicant on the contestation of the ownership of Nakuru Municipality Block 10/43 that is pending before the ELC Court.
10. By dint of the dispute this Court is yet to include this property as constituting the estate of the deceased the same awaits determination of Nakuru ELC No. E007/2022.
11. The Applicants have not demonstrated any merits in this application.
12. On the limb that currently the Nakuru Municipality Block 10/43 is registered in the names of **Francis Macharia, Daniel Maina, Margaret Njeri and Ruth Gatete.**
13. The Applicants have not demonstrated any merits in this application.
14. On the limb that currently the Nakuru Municipality Block 10/43 is registered in the names of **Francis Macharia, Daniel Maina, Margaret Njeri and Ruth Gatete.**

15. The Respondent is the administrator is the personal representative in the estate of **Ruth Gatete**.
16. The other 3 co-tenants on the lease were never enjoined and any orders sought or granted without their participation shall be prejudicing.
17. I am unable to trace any merit in this application.
18. I am constrained to condemn the applicants to costs of this Application assessed at Kshs.30,000/= payable to the Respondent.
19. The application dated 30th October, 2025 is dismissed for want of merit.
20. I direct and order that a grant be made in favour of:
 - i. **Dorcas Njeri Maina**
 - ii. **Priscilla Muthoni Wangai**
 - iii. **Elizabeth Njeri Gatete**
 - iv. **Faith Nyambura Gatete**
21. The administrators shall file a summons for confirmation of grant with proposed distribution mode within 30 days.
22. Any administrators disagreeing with the summons for confirmation of grant shall file an affidavit of protest including his/her proposed mode of distribution within 45 days.
23. This matter shall be mentioned for compliance and further directions on 20th April, 2026.

It is so ordered.

Dated, Signed and Delivered at Nakuru
On this day of 17th Day of February, 2026

S. Mohochi
JUDGE