



**In re Estate of Kamonye (Deceased) (Succession Cause
314 of 2006) [2026] KEHC 3390 (KLR) (13 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 3390 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 314 OF 2006
SM MOHOCHI, J
MARCH 13, 2026**

**IN THE MATTER OF THE ESTATE OF THE LATE DANIEL
KIBUKU KAMONYE ALIAS DANIEL KIFUKU KAMOMYE ALIAS
DANIEL KIFUKU ALIAS KIFUKU KAMONYE (DECEASED)**

BETWEEN

JOHN NJOROGE KAMAU APPLICANT

AND

BENARD MUGUKO KAMAU PETITIONER

RULING

1. Before me is an application dated 17th December 2025 seeking to find and hold the Respondent in contempt of Court.
2. I have considered all the representations made for and against the Application dated 17th December 2025 thereby refining the sole issue under consideration is whether the Respondent is in contempt of the Ruling dated 15th August 2025?
3. In Paragraph 46 of my ruling dated 15th August 2025 I ordered the Respondent as follows;

“That the Administrator shall file the statement of account within the next Sixty (60) Days from the date hereof. Subsequent thereto before full settlement of the estate the Administrator shall account to the Court and all parties after every six months. This means the first accounting in October 2025, the 2nd accounting in April 2026 and every six months until the estate is fully settled”.
4. Paragraph 11 of the Respondent’s sworn Affidavit admits the contempt by purporting to be in compliance by filing monthly summaries at the end of January 2026, for “reflection’ this was reactionary and belated attempt, I deem the same as the “smoking gun”.



5. This order was explicit unambiguous and clear and I am unpersuaded or the res judicata argument being the antidote immunizing accountability, the Respondent was expected to account by filing an account periodically she failed.
6. A personal representative/administrator in an estate of the deceased always remains a trustee on behalf of all beneficiaries, it is a servant-leadership role, the trustee must not only be responsive but must be accountable.
7. In this instance the complaints of mismanagement of the estate are historical, the order allegedly breached relates to accounting in Court. Under normal circumstances accounting should occur in the family set-up without need for Court Orders, however the Court in its wisdom imposed the order as an extra layer to hold the respondent to account.
8. The Contempt complained of occurred on the 16th of October 2025 when she failed to render an account to the Court pursuant to the order.
9. I cannot arrive at any other conclusion than, she has in contempt failed and or refused to render account to this Court, I find merit in the Application dated 17th December 2025.
10. I have accordingly found her in contempt of the Court warranting punishment.
11. The Respondent shall personally pay the Applicant costs of the Application.
12. I direct the Respondent to file and serve her mitigation upon all Beneficiaries within fourteen (14) days.
13. The Court shall impose an appropriate sanction subject to the mitigation on the 17th April 2026 at 3.00pm.

It is so directed

DELIVERED, DATED AND SIGNED AT NAKURU ON THIS 13TH OF MARCH, 2026

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MOHOCHI S. M

JUDGE

