

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**SUCCESSION CAUSE NO. 3213 OF 2013**

**IN THE MATTER OF THE ESTATE OF THE LATE DANIEL**  
**NJOROGE KAIYARE alias DANIEL NJOROGE LAZAROKAIYARE**

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**JUDGMENT**

The deceased Daniel Njoroge Kaiyare alias Daniel Njoroge Lazaro Kaiyare died on 19th April 2000. Hilda Wairimu Wataaru filed this petition.

On 29<sup>th</sup> January 2013 a grant was issued to Hilda Wairimu Njoroge. The issuing of this grant was challenged and on 2<sup>nd</sup> February 2017 Muigai J directed the beneficiaries to appoint the administrators.

On 5th September 2019 Muchelule J. (as he then was) issued grant of letters of administration to the estate to Peter Kanja Njoroge

This Grant was rectified on 7th October 2019 by Onyiego J and grant was issued to;

- 1. Anthony Wangonde Njoroge**
- 2. Loice Njoki Maina**

The Administrators filed Summons for Confirmation of Grant dated 25th November 2013.

In their Affidavit of Support the Administrators identified 10 beneficiaries of the estate as;

- a) **Peter Kanja Njoroge**
- b) **Antony Wangongu Njoroge**
- c) **Stanley Ngugi Njoroge**
- d) **Hildah Wairimu Waataru**
- e) **Jane Murugi Kaiyare**
- J) **Priscillar Waceke Njoroge**
- g) **Beth Njeri Githinji**
- h) **Michael Njoroge Mukuhi**
- i) **Loise Njoki Maina**
- j) **Samuel Njiiru Njoroge**

They identified the assets of the estate as comprising only of **Karai/ Karai /952 measuring 4.79 Ha.**

They proposed the estate to be divided into 10 equal portions to be shared among the 10 beneficiaries.

Peter Kanja Njoroge and Stanley Ngugi filed affidavit of protest to the Summons for confirmation. Their ground of protest is that the deceased left a written will in which he had distributed the estate. They also filed their preferred mode of distribution dated 24<sup>th</sup> February 2023.

The issues were canvassed by way of viva voce evidence. Loice Njoki Maina testified that the deceased was her father and was married to Mary Wakonyo Njoroge who is also deceased. They had 10 children but 2 are deceased.

They are:

- a) Peter Kanja Njoroge**
- b) Antony Wangongu Njoroge**
- c) Stanley Ngugi Njoroge**
- d) Hildah Wairimu Waataru**
- e) Jane Murugi Kaiyare**
- J) Priscillar Waceke Njoroge**
- g) Beth Njeri Githinji**
- h) Michael Njoroge Mukuhi**
- i) Loise Njoki Maina**
- j) Samuel Njiiru Njoroge**

The deceased had one property Karai /Karai /952. She has proposed that the same be divided equally among the Beneficiaries. Her preferred mode of distribution is supported by seven of the beneficiaries: Hilda, Jane, Priscilla , Beth, Michael Loice, Samuel.

Peter Kanja Njoroge the protester gave evidence. He testified that the deceased was his father. He was married to Mary Wakonyo Njoroge who is deceased. The deceased left the following beneficiaries:

- 1. Regina Njoroge - Deceased**
- 2. Peter Kanja Njoroge**
- 3. Stanley Ngugi Njoroge**
- 4. Antony Wangongu Njoroge**
- 5. Hildah Wairimu Waataru**
- 6. Priscillar Waceke Njoroge**
- 7. Beth Njeri Githinji**
- 8. Michael Njoroge Mukuhi**
- 9. Loise Njoki Maina**
- 10. Samuel Njiiru Njoroge**

He testified that his protest is premised on two grounds;

1. Inclusion of Daniel as a beneficiary in that Hilda be given 1 3/4 of an acre and the proposal to sell lands to....Advocate costs. He has filed his preferred mode of distribution which is supported by three other beneficiaries:

- 1. Peter**
- 2. Michael Njoroge**
- 3. Samuel Njoroge**

His preferred mode or distribution is in the front of a layout plan of the property. The first ground of protest, that Mr Daniel a son of Beth Njeri Githinji was included in the list of beneficiaries together with the mother Beth is not correct. I have perused the mode of distribution by Loice and Daniel is not indicated as a beneficiary. I therefore find no merit on

this ground. The 2nd ground of protest that one of the beneficiaries Hilda Wairimu has been given 1 3/4 acre or that there is intention to sell part of the property to offset Advocate's fee is not supported by evidence on record.

I therefore find no merit in the protest which is hereby dismissed. This Court therefore distributes the estate of the deceased Daniel Njoroge Kaiyare as hereunder:

NAME	DESCRIPTION OF PROPERTIES	SHARE OF HEIRS
<b>Peter Kanja Njoroge            Antony Wangongu Njoroge            Stanley Ngugi Njoroge            Hildah Wairimu Waataru            Jane Murugi Kaiyare            Priscillar Waceke Njoroge            Beth Njeri Githinji            Michael Njoroge Mukuhi            Loise Njoki Maina            Samuel Njiiru Njoroge</b>	<b>KARAI/KARAI/952 (1.502 HA)</b>	<b>KARAI/KARAI/952 (4.79 HA) to be divided into 10 equal portions and SHARED EQUALLY</b>

**Dated at Nairobi this 5<sup>TH</sup> Day of MARCH, 2026**

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**S. N. RIECHI**

**JUDGE**

ORIGINAL