



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
SUCCESSION CAUSE NO. 2071 OF 2011
IN THE MATTER OF THE ESTATE OF THE LATE PAUL
MBUGUA KIBE (DECEASED)

ROSE NYAWIRA KIBE
APPLICANT

VERSES

CATHERINE NJERI NDUATI
RESPONDENT

RULING

1. By her application dated 9th October 2017 the Applicant prayed for a raft of prayers including *inter alia* a payback by the Respondent of a total sum of Kshs 11,742,400.52 inclusive of interest pursuant to the judgment of Musyoka J dated 21st March 2014 and which the Court of Appeal set it aside on 22nd September 2017.
2. The application is based on the grounds thereof as well as the Applicant's affidavit of even date.
3. The application is opposed by the Respondent vide her replying affidavit sworn on 20th November 2017.

4. Muchelule J (as he then was) on 9th May 2022 directed the Deputy Registrar to undertake some in dept analysis or accounts as per the directives of Musyoka J and in line with the Court of Appeal decision.
5. The Deputy Registrar Hon. Grace Sitati on 5th August 2022 submitted her report
6. When I took over the matter it was my view that further areas which Hon. Sitati had not covered needed to be relooked again by the Deputy Registrar.
7. I have seen a report prepared by the Deputy Registrar Hon. Omwenga dated 9th October 2025 and I do not find much departure from what Hon. Sitati found.
8. In all the reports the counsels acting for the parties were present or were represented and their views and affidavits evidence considered.
9. Consequently, and taking into account the submissions by the parties as well as the history of this matter I find that the report by Hon. Grace Sitati dated 5th August 2022 is not at variance with the report of Hon. Omwenga. The former as a matter of fact is more detailed.
10. In the premises adopting the report of 5th August 2022 is prudent as it shows various explanations and has taken into account the directives of both this Court and more importantly the Court of Appeal.
11. **Consequently, I direct that:-**

- (a) The Applicant Rose Nyawira Kibe shall be paid by the Respondent Catherine Njeri Nduati within the next 14 days from the date herein an aggregated sum of Kshs. 4,462,317 plus the interest of Kshs. 2,659,188.24 thus totaling Kshs. 7,121,505.00**
- (b) In default of (a) above the Applicant be at liberty to execute as a civil debt.**
- (c) Costs to the Applicant.**

**Dated signed and delivered via video link at Nairobi
this 19th day of March 2026.**

**H K CHEMITEI
JUDGE**