



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 2521 OF 2009**  
**IN THE MATTER OF THE ESTATE OF THE LATE DAVID KIBE**  
**WAWERU (DECEASED)**

**DIRECTIONS**

1. The dispute between the parties herein is majorly on finalization of this matter by way of distribution as per the rectified grant dated 25<sup>th</sup> February 2020.
2. The parties filed rival affidavits over the same dated 18<sup>th</sup> March 2025 by the Administrators Rose Wanjiru Kibe and Nancy Nyokabi Kibe as well as Rose Nyawira Kibe dated 21<sup>st</sup> March 2025.
3. I referred this matter to the Deputy Registrar for the parties to ventilate the issues of accounts and the extent to which the Administrators had reached in execution of the grant.
4. I have perused the report dated 6<sup>th</sup> October 2025 prepared by Hon. Andrew Omwenga Motari in detail.

5. It appears to me that the parties simply reiterated the issues raised in their rival affidavits.
6. I have perused the said affidavits and in my view the Administrators have acquitted themselves well in explaining the extent in which they have administered the estate especially the transfer of the capital assets, although I find the period, they have taken too inordinate in the circumstances.
7. The other area which they have explained themselves is how they have distributed the funds which have since come to them by way of sale of the targeted assets of the estate. Over time it is evident that they have received and dispatched large sums of money as per the grants from this court and the directives from the Court of Appeal in respect to the Applicants shares.
8. The applicant Rose Nyawira Kibe as well as Catherine Njeri Nduati who are the Administrators of the estate of the late Paul Mbugua Kibe have raised valid points on various accounting grey areas which have not been counteracted satisfactorily by the Administrators.
9. This specifically has to do with the balance of the sum of Kshs. 6,769,539.70 owed to the estate of Paul Mbugua Kibe. I have extensively gone through the accounts detailed in her affidavit of 21<sup>st</sup> March 2025 and I find the same plausible.
10. Despite the challenges the Administrators have faced in the process of executing and administering the estate this

sum clearly came into their custody and they ought to have distributed in the ratio provided.

11. The issue of shares mentioned in the rival affidavits is easy to deal with. If at all they are unavailable then they should be removed from the grant and whatever is available should be transmitted accordingly.
12. Since this estate has been pending for over a decade now because of the reasons on record I find that it is high time it gets out of the system and the beneficiaries get their shares and therefore move on with their lives.
13. The Administrators must therefore move with speed and execute the transfers and in the event that they are unable then they should allow other beneficiaries to move the wheel.
14. **In the premises the court directs as hereunder:**
  - (a) The Administrators do carry out the transmission exercise within the next six months from the date herein and report to this court and in default other beneficiaries may apply to administer the estate.**
  - (b) The Administrators within the next 30 days from the date herein pay the sum of Kshs. 6,769,539.70 to the Administrators of the estate of the late Paul Mbugua Kibe.**
  - (c) Costs in the cause.**

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

**H K CHEMITEI**  
**JUDGE**