

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**MILIMANI LAW COURTS**  
**SUCCESSION CAUSE NO. E616 OF 2025**  
**IN THE MATTER OF THE ESTATE OF GEORGE**  
**KATIBA RUTHI alias DAVID KATIBA RUTHI -**

**DECEASED**

**JANE WANJIRU KATIBA .....**

**OBJECTOR**

**VERSUS**

**ARTHUR GICHAMBA GATIMU ..... 1<sup>ST</sup>**

**PETITIONER/RESPONDENT**

**JIMNAH MUCHIRI RUTHI .....2<sup>ND</sup>**

**PETITIONER/RESPONDENT**

**AND**

**ROSE NJERI WANDERE ..... INTERESTED**

**PARTY**

1. George Katiba Ruthi alias David Katiba Ruthi died on 10<sup>th</sup> May, 2025. Arthur Gichamba Gatimu and Jimnah Muchiri Ruthi filed a petition for Grant of Letters

testate as executors pursuant to a Written Will dated 22<sup>nd</sup> August, 2024.

2. The Grant was issued to the Petitioners on 14<sup>th</sup> October, 2025, but has not been confirmed due to proceedings initiated by Jane Wanjiru Katiba, who filed a summons seeking the revocation of the Grant. She contests the validity of the Will and questions the Petitioners' standing to petition for the Grant. Jane's pleadings state that she and the deceased were married, having celebrated a civil marriage at the Provincial Commissioners' office on 16<sup>th</sup> September, 1972.
3. The summons for revocation comes up for hearing on 12<sup>th</sup> May, 2026.
4. This ruling pertains to two applications, the 1<sup>st</sup> application is dated 23<sup>rd</sup> October, 2025. The Applicant, Rose Njeri Wandere, asserts in the application that she was also married to the deceased and seeks to be enjoined in the succession proceedings. Additionally, Rose applied for an interim financial provision, specifically seeking Kshs.200,000/= to cover her rent

and daily living expenses. Further, she seeks Kshs.300,000/=, which she states is intended for the educational fees of Samuel Ruthi Katiba, who she states is both her son and the child of the deceased.

5. The 2<sup>nd</sup> application is filed by the Petitioners, dated 15<sup>th</sup> December, 2025. The Petitioners named Jane and her three children as Respondents to the application. The application seeks injunctive relief against the Respondents to prevent them from managing the estate. It further seeks orders to compel the Respondents to render accounts concerning the estate that is claimed to be in their control and possession. Additionally, the Petitioners are seeking orders requiring the rental income generated from the estate to be deposited into a joint account or held in Court. Lastly, the application seeks orders directed at the financial institutions where the deceased maintained accounts, compelling them to provide bank statements from the date of the deceased's passing.

6. The applications are contested by each party, and I have reviewed the applications, accompanying

affidavits, affidavits in response and the respective submissions. The key issue for determination is the merit of the applications, as well as the appropriate orders to be issued concerning the estate, in light of the ongoing proceedings.

7. The contested Will names Rose as a beneficiary. Her pleadings also assert that she and the deceased were married and that, at the time of death, she was living with and caring for the deceased. She has established a *prima facie* interest in the case, and her participation is necessary for the complete adjudication of the questions involved. She is thus enjoined to the succession cause. She shall participate in the subsequent proceedings on the revocation of the Grant and shall be served with the application forthwith. She is at liberty to file a response to the application.

8. Concerning the prayer for interim financial provision, I have reviewed the evidence submitted to the Court. While the Applicant contends that she is facing imminent destitution, it is essential to note that her interest in the estate is also contested. There is also no

evidence demonstrating dependency on the deceased during his lifetime. In light of these considerations, I find that granting any orders for interim provision would not serve the best interests of justice at this juncture.

9. Further, there is insufficient evidence outlining the specifics of the estate, the existence of leases and whether any income is indeed generated and the contents of the accounts involved. Simply stating an assertion or accusation without backing it up with facts or proof is unsatisfactory in court proceedings.

10. Additionally, in my view, it is prudent to address the prayers directed at the financial institutions only after resolving the questions now posed before the Court concerning the validity of the will, the identification of the beneficiaries, and the overall extent of the estate. Orders on the bank accounts will be issued post the resolution of some of these key issues, including estate administration.

11. The conclusion reached is that the two applications, lack merit and are consequently dismissed. Costs shall be in the cause.
12. **Rule 73** of the **Probate and Administration Rules** emboldens the Court's jurisdiction to make such orders as may be necessary for the ends of justice or to prevent abuse of the Court process. With this in mind, the Court is mindful of the importance of promptly resolving the dispute while also ensuring the preservation of the estate during this process. Consequently, the Petitioners, Respondents, and the interested party, their agents or representatives, are hereby prohibited from transferring, encumbering, or otherwise disposing of any assets belonging to the estate until the probate matter is fully heard and determined.
13. To ensure the matter is heard on the scheduled date, the following pre-trial directions are issued: the interested party is granted leave to file a response, if any, to the application for revocation by 4<sup>th</sup> May, 2026.

Further, all parties are required to file and exchange their trial bundles by 6<sup>th</sup> May, 2026.

14. Orders accordingly.

**DATED, DELIVERED and SIGNED** at NAIROBI through the Microsoft Teams Online Platform on this **20<sup>TH</sup>** day of **APRIL, 2026.**

.....  
**HON. C. KENDAGOR**  
**JUDGE**

**In the presence of:**

Court Assistant: Beryl

Mr. Gakaria, Advocate for Petitioners/Applicants

Ms. Muthoni, Advocate holding brief for Wanjiku Maina,  
Advocate for Respondents