



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NO. E098 OF 2024

**IN THE MATTER OF THE ESTATE OF THE LATE HERMAN MARINE
NDERI (DECEASED)**

ANTHONY MARINE NDERI.....1ST APPLICANT

JANE WANGESHI QUAIL.....2ND APPLICANT

BILLY MARINE NDUATI.....3RD APPLICANT

- V E R S U S -

KEVIN WANGOMBE MARINE.....RESPONDENT

R U L I N G

1. Before me is an Application for contempt the Applicants contending that despite the Respondent being aware of the Courts Orders dated 28th March 2025 he is carrying out construction works not approved and has blatantly proceeded with collections of rent which unilateral decision by the Respondent is aimed at frustrating the administrators and interfering with the estate of the deceased and despite knowledge of and service of the orders and penal consequences, the Respondent has blatantly refused to obey the orders of this Honourable Court and has violated and continue to violate the same.

2. It is noteworthy that the 3rd Applicant deliberately fails to provide specific details as to where the unapproved constructions or unlawful rent collections is being undertaken by the Respondent but provides pictorial evidence of notices being pasted upon unnamed properties.
3. The 3rd Applicant had at the citation stage indicated that, the deceased had three (3) properties forming part of the estate of the deceased namely;
 - a) NAKURU/MUNICIPALITY BLOCK 23/731,
 - b) NAKURU/MUNICIPALITY BLOCK 3/324 MARIAKANI SHABAB and,
 - c) NAKURU/MUNICIPALITY BLOCK 12/116
4. The Respondent has contested the Application, indicated being fully seized of and conversant with the Court ruling dated 28th March 2025, he however contends that the deceased had two properties NAKURU/MUNICIPALITY BLOCK 23/731 and NAKURU/MUNICIPALITY BLOCK 12/116 (previously jointly leased to the deceased and the Respondent).
5. The Respondent contends that the lease on NAKURU/MUNICIPALITY BLOCK 12/116 was eventually transferred to himself in 2023 and as such the same does not form part of the estate of the deceased.
6. This Court takes a dim view of the entire proceedings which commenced by way of citation that culminated in the ruling on the 28th March 2025 that Appointed the Applicants as personal representatives of the estate of the deceased (in the interim) with an explicit order that, they do

present a Petition for issue of grant of letters of administration intestate within thirty (30) days.

7. The Applicants were expected to present the petition (Form 80), a supporting affidavit (Form P&A 5), a certificate of death, and consent forms from other beneficiaries (Form P&A 57).
8. It is from the Petition from where the Court can establish the assets forming part of the deceased's estate free from any encumbrance and available for distribution, sadly the Applicants never presented the Petition as ordered.
9. The Court is at the moment unable with precision to determine the assets constitution the estate and any assets under contested ownership as is alluded to by the Respondent.
10. The Court is thus unable to find the Respondent to have committed contempt by disregarding the Court orders for want of specifics on his alleged transgression.
11. The Application dated 11th December 2025 is without Merit and the same is dismissed with costs to the Respondent.
12. The Applicants are to Present the Petition for grant of letters of administration within the next thirty (30) days.
13. Matter to be mentioned before the incoming judge as the current Court proceeds on transfer.

It so ordered.

Signed, Dated and Delivered at Nakuru

On this 14th day of April 2026

Mohochi S.M

JUDGE