



REPUBLIC OF KENYA



**In re Estate of Joseph Muiruri Ndonye (deceased) (Succession Cause E759 of 2023) [2026] KEHC 5807 (KLR) (Family) (30 April 2026) (Judgment)**

Neutral citation: [2026] KEHC 5807 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**SUCCESSION CAUSE E759 OF 2023**

**SN RIECHI, J**

**APRIL 30, 2026**

**IN THE MATTER OF THE ESTATE OF JOSEPH MUIRURI NDONYE (DECEASED)**

**BETWEEN**

**RUTH NJERI MUIRURI ..... ADMINISTRATOR**

**AND**

**ALLAN MWANGI MUIRURI ..... 1<sup>ST</sup> RESPONDENT**

**LAWRENCE GATHUNGU MUIRURI ..... 2<sup>ND</sup> RESPONDENT**

**SUSAN WANJIKU MUIRURI ..... 3<sup>RD</sup> RESPONDENT**

**PETER KARANJA MUIRURI ..... 4<sup>TH</sup> RESPONDENT**

**JUDGMENT**

1. The deceased Joseph Muiruri Ndonye died on 1<sup>st</sup> December 2022 at St Mary's hospital Nairobi at the age of 71 years. He died intestate leaving behind following dependants;
  - a. Ruth Njeri Muiruri - Widow
  - b. Allan Mwangi Muiruri - Son
  - c. Lawrence Gathungu Muiruri - Son
  - d. Susan Wanjiku Muiruri - Daughter
  - e. Simon Njihia Muiruri - Son
  - f. Peter Karanja Muiruri - Son
  - g. Alice Njoki Muiruri - Daughter



2. The deceased left as part of his intestate, the following properties;
  1. Elbergon/ Turi Block XXXX Ha
  2. Elbergon / Turi Block XXXX Ha
  3. Plot no. XX at Landi Trading Centre vide mm no. 56/2005  
Approx 20x60 ft
  4. Plot no. XX at Turi Approx 50 x 100ft
  5. Plot no. XX KCC Molo Township
  6. Mau summit /Molo Block XXXX (Mutirithia) Approx. 0.0476 Ha
  7. Elbergon Turi block XXXX (Ndenderu) Approx. 0.596 Ha
  8. Nakuru Municipality block XXXX Approx. 0.3 Ha
  9. Nyandarua /Muruai /XXXX Approx. 0.203 ha
  10. Nyandarua Mutonyora/XXXX Approx 0.046 Ha
  11. Nakuru Municipality plot XXXX
  12. Plot no. XXXX within LR No. XXX Kasarani Approx. one share
  13. Githunguri/ Kiairia/T.XX Approx. 0.22 acres
  14. Githunguri/ Kiairia/XXXX Approx. 1 .3 acres
  15. Nairobi /block XXXX Approx. 0.1671 Ha
  16. Nairobi /block XXXX Approx. 0.1473 Ha
  17. Nairobi /block XXXX Approx. 0.473 Ha
  18. Nairobi block XXXX Approx 0.1473
  19. Plot no. A.XXXX
  20. Plot no. XXXX certificate no. XXXX (lower Njiru Jua Kali association)
  21. Plot no. XXXX Cert no. XXX (lower Njiru Jua kali association)
  22. Plot no. XXXX certificate no. XXXX (lower Njiru Jua Kali association)
  23. Plot no. XXX Hurlingham squatter Development cert no. XXXX
  24. Plot no.XXXX Hurlingham squatter development cert no. XXXX
  25. Plot no. XXXX Saikoma self Help Group certificate no. XXXX
  26. L.R XXXX Laikipia Cert no. XXXX Karimbura investments squatters co  
Ltd 3 shares; member Reg No. XXX
  26. Plot No. XX Ballot no. XXX (Unity Self Help Group)
  27. Plot No. XXX Plot on I-R XXXX (Njiru Town near DC's office)



28. Plot No. D-XXX in Mathare valley estate
29. Title no. LR.XXXX Approx. 00085 Ha
30. Title no. LR XXXXto 98394 house No. D. 14/6
3. On 27/4/2023 Ruth Njeri Muiruri (widow) Peter Karanja Muiruri and Alice Njoki Muiruri filed petition for letters of administration intestate. On 5<sup>th</sup> February 2024 the grant of letters of administration was issued to Ruth Njeri Muiruri, Peter Karanja and Alice Njoki as administrators. On 8<sup>th</sup> October 2024 administrators filed amended Summons for confirmation and annexed therewith the schedule of distribution
4. Peter Karanja Muiruri filed an affidavit of protest to the Summons dated 17<sup>th</sup> February, 2025
5. This Court directed that the Summons for confirmation and protest be heard together by way of viva voce evidence. Ruth Njeri Muiruri testified she is the wife of the deceased having been married in 1973. They had seven children but one Nancy Nyambura is deceased. The surviving children are:
6. Allan Mwangi, Lawrence Gathungu, Susan Wanjiku Simon Njehia, Peter Karanja and Alice Njoki. The deceased had 31 parcels of land, shares in 7 Companies, cash in three banks, 3 motor vehicles and Pension funds in two organizations.
7. Ruth testified that deceased and her had rental properties and in her distributions she has given the children 50% and retained 50% for herself. She gave her justification for their proposal that she had contributed to the acquisition of the properties. She also stated that she is 70 years old suffering from arthritis and needs funds for medical care. She informed the court that she needs to be financially independent as the children do not assist her. She testified that the children are in income generating activities. Susan works with Kenya power where Lawrence also works. Allan is a farmer and Peter does business.
8. She testified that her proposed mode of distribution is supported by Allan and Alice and aligns to what the deceased wanted.
9. On being cross examined by Mulwa for the protestor, she testified that Plot number XXXX Saikoma self-help group had been bought by the deceased who gave it to Alice; she also confirmed that she received pensions from Kenya power where the deceased used to work. She confirmed she had rejected the protestor's proposal that she gets only 35%.
10. Peter Karanja Muiruri the 2nd administrator and protestor gave evidence. He testified that Ruth is the biological mother and deceased was his father. He had filed his proposed mode of distribution in respect of the 31 properties left by the deceased. His proposal is supported by Allan Mwangi, Lawrence Gathungu and Susan Wanjiku. He testified that during his lifetime the deceased had gifted properties to Lawrence, Peter and Alice.
11. He has perused the proposal by Ruth and disputes distribution on rental income, cash and shares. He proposed that on rental income Ruth receives 35% and the children share 65%. On cross-examination by Wambui for Ruth, he confirmed the deceased gifted him some properties. He confirmed he is an IT expert and operates a club which the deceased used to run as a business. He also confirmed that he has in his possession a motor vehicle. The rental income is approximately 600,000/- per month.
12. The court has considered the pleading and evidence adduced. From the evidence, it is not contested that the deceased died on 5th February 2024. It is also not in dispute that he did not leave behind a Will. There is no dispute on the number of dependants of the deceased and therefore beneficiaries.



What is in dispute is the mode of distribution. Ruth Muiruri the widow has filed her preferred mode of distribution. Peter Karanja Nairobi the protestor has also filed his preferred mode of distribution which is supported by 4 of the beneficiaries.

13. I have considered Summons for confirmation, the affidavit of protest and evidence adduced. The responsibility of Administrators in Summons for.



NAME	DESCRIPTION OF PROPERTIES	SHARE OF HEIRS
Ruth Njeri Muiruri	<ol style="list-style-type: none"> <li>1. Nairobi /Block XXXX</li> <li>2. Plot No.XXXX at Turi Centre</li> <li>3. House in Ruai Nairobi/Block XXXX</li> <li>4. House in Turi Ndenderu; LR No. Elburgon /Turi XXX</li> <li>5. Motor vehicle KCC XXXX</li> <li>6. Cash held in equity bank joint Account No. 1440183221871</li> <li>7. KPLC Pension</li> <li>8. Kenya police pension</li> </ol>	Absolutely
Lawrence Gathungu Muiruri	<ol style="list-style-type: none"> <li>1. Nairobi /Block XXXX</li> </ol>	Absolutely
Peter Karanja Muiruri	<ol style="list-style-type: none"> <li>1. Nairobi /Block XXXX</li> <li>2. Motor Vehicle KAM XXXX</li> </ol>	Absolutely
Allan Mwangi Muiruri	<ol style="list-style-type: none"> <li>1. Mau summit/Molo block 1/381 (Mutirithia)</li> <li>2. Motor Vehicle KVK XXXX</li> </ol>	<p>Absolutely</p> <p>confirmation is to demonstrate to court that they have distributed all the assets of the estate to all the beneficiaries. They must also demonstrate that the distribution is fair and equitable. I have considered the preferred mode of distribution of Ruth the widow and Peter the protester I hereby distribute the estate of the deceased Joseph Muiruri Ndonge as here under:</p>



NAME	DESCRIPTION OF PROPERTIES	SHARE OF HEIRS
Ruth Njeri Muiruri, Allan Mwangi Muiruri, Lawrence Gathungu Muiruri Simon Njihia Muiruri Susan Waniiku Muiruri Alice Nioki Muiruri Peter Karanja Muiruri	1. Plot No. XXXXX within L.R No XXXX Kasarani 2. Plot No XXXX part of I-R 10390/5 Njiru town near DC's office 3. Title No LR XXXX To XXXX. D.14/6 Huruma 4. Plot No AI XXXX .... Serial No. XXXX Mathare Redevelopment Project Ex grogan 5. Plot No XXXX Saikoma Self Help Group. Cert No. XXXX 6. Plot No. XXXX Hurlingham Squatter Development Cert No XXXX. 7. Plot no. D-13/6 in Mathare valley 8. Plot No. XXXX Certificate No XXXX Lower Njiru Jua Kali Association. 9. Plot No. XXXX 10. Plot No. XXXX 11. Plot No. XXXX	Ruth Njeri Muiruri to receive 50% of the net rent. 50% of the net rent to be shared equally by: Allan Mwangi Muiruri, Muiruri Lawrence Gathungu, Simon Njihia Muiruri, Susan Wanjiku Muiruri Alice Nioki Muiruri Peter Karanja Muiruri.
Susan Wanjiku Muiruri	Nyandarua/Mutonyora/ XXXX	Absolutely
Simon Njihia Muiruri	Plot No 16 KCC MoloTownship	Absolutely
Alice Njoki Muiruri	Nyandarua/Muruai/2431	Absolutely
Susan Wanjiku Muiruri	Elburgon/Turi XXXX (Ndenderu)	Equally



Alice Njoki Muiruri		
---------------------	--	--



NAME	DESCRIPTION OF PROPERTIES	SHARE OF HEIRS
Allan Mwangi Muiruri Lawrence Gathungu Muiruri Simon Njihia Muiruri Peter Karanja Muiruri	Ndenderu	Equally
Grandchildren named Muiruri	Githunguri/ Kiairia/5XXXX	Equally
Ruth Njeri Muiruri, AllanMwangi Muiruri Lawrence Gathungu Muiruri Simon Njihia Muiruri Susan Waniiku Muiruri Alice Nioki Muiruri Peter Karanja Muiruri	1. Nakuru Municipality Block XXXX 2. Nakuru Municipality Block XXXX 3. Githunguri/Kiairia/T.XXX 4. LR XXXX- Laikipia Cert No.XXXX 5. Karimbura Investments Squatters Co. Ltd. # Shares registration Member No. XXXX 6. Plot No. XXXX Hurlingham Squatter Development Cert No 146 7. Plot No. XXXX at Landi trading Centre vide MinNo XXXX	The assets to be sold and proceeds shared equally
Ruth Njeri Muiruri, AllanMwangi Muiruri Lawrence Gathungu Muiruri Simon Njihia Muiruri Susan Waniiku Muiruri Alice Nioki Muiruri Peter Karanja Muiruri	1. Cash at Equity bank account number 015XXXX, Stima Sacco, National Bank account number 01XXXX Cooperative Bank (chama). 2. Shares held in the name of the deceased for Standard Chartered Bank, Kenya Commercial Bank, Access	Ruth Njeri 50% To Share 50% Equally at



Kenya, Kengen, Safaricom and Stima Sacco.
--

**DATED AT NAIROBI THIS 30<sup>TH</sup> DAY OF APRIL, 2026**

.....

**S. N. RIECHI**

**JUDGE**

