



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
SUCCESSION CAUSE NO. 485 OF 2018
IN THE MATTER THE ESTATE OF WERU JOSEPH
(DECEASED)

JERITH NJERI WERU
APPLICANT/ADMINISTRATOR

RULING

1. This ruling relates to the application dated **16th February, 2026** filed by the Applicant, Jerith Njeri Weru; seeking for **ORDERS THAT:**

1. Spent.

2. The Honourable Court do issue an order directing Equity Bank (Kenya) Limited where the deceased Joseph Weru maintained an account being Bank account number 0320190736476, Kayole Branch to release the sum of Kes 652,696.00 from the said account directly to Strathmore University's bank account as follows:

Account name: Strathmore University

Account number: 0170293160242

Bank Name: Equity Bank

Bank Branch: Equity Bank Nairobi West

Admission Number & Student Name: Admission No: 227741 - Weru, Faith Nyamathai.

being school fees for the first year for a Dependant of the deceased, one Weru Faith Nyamai.

3. In the alternative, the court grant the Applicant an expedited court hearing date when the beneficiaries of the estate will appear before the court and affirm their consent to an order being granted as prayed in order 2 above.

4. The costs be provided for in the cause.

2. The application is based on the grounds thereof and supported by affidavit sworn by Jerith Njeri Weru on **16th February, 2026.**
3. She sets out a detailed factual basis in support of the application for release of funds from the deceased's account, anchoring the claim on the educational needs of a disclosed Dependant, Faith Nyamathai Weru.
4. She avers that the deceased died intestate and that she is a duly appointed administrator, annexing documentary proof of grant to substantiate her ***locus standi***. She further depones that the Dependant has already secured admission to Strathmore University for a Bachelor of Business Science programme, and that the admission letter confirms both the commencement date and the financial obligations required for enrolment. The affidavit links this

admission to an urgent need for tuition payment, asserting that failure to meet the stated deadlines would jeopardize the Dependant's admission.

5. The annexed admission letter, corroborates the admission status, fee structure, reporting timelines and strict compliance requirements, thereby grounding the claim for urgency. She proceeds to outline the financial position of the estate, asserting that the deceased maintained an account at Equity Bank - Kayole Branch, containing sufficient funds to meet the tuition expenses.
6. It is deponed that although the estate holds adequate liquidity, access to the funds has been impeded by intra-estate disagreements, particularly from a co-administrator who is said to have been initially uncooperative but has since withdrawn her administratorship.
7. Additionally, she contends that the deceased had consistently provided for the Dependant's education during his lifetime and that continuation of such support aligns with the best interests of the estate and the Dependant.
8. Further, she states that the delay in accessing funds has already occasioned financial strain, with partial payments allegedly made through borrowing arrangements, including recourse to third parties and informal financial assistance. It is deponed that such interim measures are unsustainable and have exposed the estate to unnecessary financial burden.

9. She also raises concerns regarding potential mismanagement or dissipation of estate funds, citing instances of withdrawals and expenditure that are said to lack transparency or proper accounting. In addition, she refers to prior court proceedings and orders, including earlier directions on the administration of the estate and the conduct of co-administrators. It is asserted that despite these directions, disputes have persisted, thereby necessitating judicial intervention to authorize direct payment of tuition fees to the university.
10. The application is not opposed and no written submissions have been filed.

ANALYSIS AND DETERMINATION

11. I have read the application before this court the supporting affidavit, and the annexures thereto and the main issue for determination is whether this court ought to authorize the release of estate funds for the specific purpose of meeting the educational needs of the stated Dependant.
12. While the application is unopposed, it is trite that the court must independently interrogate its merits, as an unopposed application is not automatically meritorious.
13. In **Mohansons Food Distributors Ltd & another v Kenya Commercial Bank Limited & another [2021] eKLR** the court stated as follows:

“[8] Although the application is unopposed, it is the duty of the Court to nevertheless subject it to

a merit evaluation in accord with the applicable laws and principles. Indeed, in *Gideon Sitelu Konchellah vs. Julius Lekakeny Ole Sunkuli & 2 others* [2018] eKLR the Supreme Court of Kenya held that: “...as a court of law, we have a duty in principle to look at what the application is about and what it seeks. It is not automatic that for any unopposed application, the Court will as a matter of course grant the sought orders. It behooves the Court to be satisfied that prima facie, with no objection, the application is meritorious and the prayers may be granted. The Court is under a duty to look at the application and without making any inferences on facts point out any points of law, such as any jurisdictional impediment, which might render the application a non-starter [Emphasis mine]. We see no such jurisdictional issue in the application before us. Hence we have proceeded to consider the facts before us as against the jurisprudence for grant of stay orders set by this Court...”

14. The Applicant has established her *locus standi* as a duly appointed administrator. The evidence on record, particularly the admission letter from Strathmore University, sufficiently demonstrates that the named beneficiary, Faith Nyamathai Weru, has secured admission

and is subject to strict timelines for payment of tuition fees. This places the application within the ambit of Section **26** and **27** of the Law of Succession Act, which empower the court to make reasonable provision for Dependants where necessary. The nexus between the requested funds and the Dependant's education is clearly established and the urgency is corroborated by the documentary timelines in the annexures.

15. In the circumstances, I find that the application meets the threshold for the exercise of the court's discretion.
16. Accordingly, the application dated **16th February, 2026 is allowed** in terms of prayer 2 to wit: ***"An order be and is hereby issued directing Equity Bank (Kenya) Limited where the deceased Joseph Weru maintained an account being Bank account number 0320190736476, Kayole Branch to release the sum of Kes 652,696.00 from the said account directly to Strathmore University's bank account as follows: Account name: Strathmore University, Account number: 0170293160242, Bank Name: Equity Bank, Bank Branch: Equity Bank Nairobi West and Admission Number & Student Name: Admission No: 227741 - Weru, Faith Nyamathai being school fees for the first year for a Dependant of the deceased, one Weru Faith Nyamai."***
17. **Costs be in the cause.**

**Dated signed and delivered via video link at Nairobi
this 30th day of April 2026.**

**H K CHEMITEI
JUDGE**