



REPUBLIC OF KENYA



**In re Estate of Paul Njoroge Nduati (Deceased) (Succession Cause  
1945 of 2003) [2026] KEHC 5230 (KLR) (Family) (20 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5230 (KLR)

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

**FAMILY**

**SUCCESSION CAUSE 1945 OF 2003**

**CJ KENDAGOR, J**

**APRIL 20, 2026**

**IN THE MATTER OF THE ESTATE OF PAUL NJOROGE NDUATI – DECEASED**

**BETWEEN**

**ESTHER NJOKI NJOROGE ..... APPLICANT**

**AND**

**VIRGINIA GATHONI KAREGA ..... 1<sup>ST</sup> RESPONDENT**

**GRACE WANJIKU NJOROGE ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. Paul Njoroge Nduati died on 14<sup>th</sup> March, 2003. Following his death, a Grant of Letters of Administration intestate was issued to Virginia Gathoni Karega and Sarah Wangare Njoroge (deceased) on 2<sup>nd</sup> September 2003. The Grant was confirmed on 6<sup>th</sup> July, 2005.
2. This ruling relates to an application dated 27<sup>th</sup> March, 2026, filed by Esther Njoki Njoroge (Applicant). It seeks the following orders;
  - a. That pending the hearing and determination of this Application, this Court be pleased to grant a temporary injunction restraining the respondents herein whether by themselves, their servants, agents, employees and/or anyone acting on their authority from selling, disposing of, subdividing, alienating, wasting, leasing, collecting rent or otherwise interfering with properties in the former net estate Paul Njoroge Nduati (deceased) including all other developments and improvements standing therein;
  - b. That pending the hearing and determination of the summons application of Grace Wanjiku Njoroge dated 10<sup>th</sup> November, 2022 for revocation of Grant of



Letters of Administration to Virginia Gathoni Karega which were confirmed on 6<sup>th</sup> July, 2005, the Court be pleased to grant a temporary injunction restraining respondents herein whether by themselves, their servants, agents, employees and/or anyone acting on their authority from selling, disposing of, subdividing, alienating, wasting, collecting rent, leasing or otherwise interfering with the properties of the former estate of the late Paul Njoroge Nduati (deceased) including any developments and improvements standing therein;

- c. That this Court be pleased to grant a permanent injunction to restrain the 1<sup>st</sup> respondent from purporting to act as an administrator of the former estate of the late Paul Njoroge Nduate (deceased);
  - d. That all rent income generated from commercial houses in LR/Dagoretti/Kangemi 798 and all other income formerly belonging to Paul Njoroge Nduati (deceased) be held in a joint interest earning account in the name of his surviving children and be divided to beneficiaries equally upon full division and distribution of the former estate of the late Paul Njoroge Nduati (deceased);
  - e. That this Court be pleased to grant a temporary injunction to restrain the respondents from dealing in a manner inimical to the suit properties up and until the matters of division and distribution of properties in Succession Cause 1945 of 2003 is determined to serve the ends of justice;
  - f. That the respondents be compelled to furnish the Court with full up-to-date accounts of the monies so far generated from the former estate of Paul Njoroge Nduati (deceased) from the date of demise of our mother on 29<sup>th</sup> August, 2019 and a proper valuation of the said estate be carried out pursuant to the directions of the Court issued on 3<sup>rd</sup> December 2024 out of balances of the monies accrued therein;
  - g. That upon valuation of the estate, this Court be pleased to order the final distribution of assets belonging to our late father Paul Njoroge Nduati (deceased) to all his rightful beneficiaries and ensure a fair distribution of the deceased's properties;
  - h. That this Court be pleased to grant any other order/directions as it may deem fit in the circumstances;
  - i. Costs of this application be provided for.
3. The application is opposed by Virginia (1<sup>st</sup> Respondent) and Grace Wanjiku Njoroge (2<sup>nd</sup> Respondent). The applicant, the respondents, and 2 other siblings – Rachel and David (deceased) – are the children of the deceased herein and of Sarah (also deceased).
  4. The two cases involving their parents, namely 1945 of 2003 and E926 of 2021, are currently being handled concurrently, though through different files, because of their interconnected nature. The present application was filed in 1945 of 2003.



### **The Applicant's case**

5. The Applicant claims that the surviving administrator (1<sup>st</sup> Respondent) has been exercising exclusive control over the net estate, which she alleges comprises 22 rental units that generate income, while excluding her from her rightful share.
6. She also argued that the 1<sup>st</sup> Respondent has not properly ensured the estate's tax obligations are paid.
7. She requested the court to expedite the subdivision of the estate after their mother's passing to prevent the estate from depreciating.
8. She sought to anchor her application on an application that had been filed by the 2<sup>nd</sup> Respondent seeking revocation of the grant, but that application was withdrawn.
9. According to the Applicant, the respondents' actions are causing waste to the estate and should be restrained.

### **The 1<sup>st</sup> Respondent's case**

10. The 1<sup>st</sup> respondent opposed the application; she told the court in her affidavit that the applicant was abusing the court process in a bid to gain access to the tenants living in the estate to the detriment of the other beneficiaries.
11. She maintained that she is fit to administer the estate and denied any wastage or alienation. She stated that the rent collected is shared equally among the surviving beneficiaries.

### **The 2<sup>nd</sup> Respondent's case**

12. The 2<sup>nd</sup> Respondent distanced herself from the averments by the Applicant. She applied to withdraw the application dated 10<sup>th</sup> November, 2022, which sought to revoke the Grant, and further told the Court that she has no objection to the 1<sup>st</sup> Respondent proceeding with the administration of the estate.
13. Further, that she resides on the property and takes full responsibility for its care and maintenance. She maintained that she has also paid all taxes due from the monies received, and that the Applicant has been receiving her share of the estate every month.

### **Analysis and determination**

14. I have considered the application, affidavits filed by the parties and their submissions. I find the issues for determination to be as follows;
  - i. Determination of the status of the 1<sup>st</sup> respondent post the demise of the co-administrator;
  - ii. Whether the estate faces an imminent threat of wastage, warranting the issuance of injunctive orders;
  - iii. Whether there is a necessity for the estate valuation;
  - iv. Whether there is definitive administration and distribution of the estate following the demise of their mother.
15. In accordance with the provisions of Section 81 of the *Law of Succession Act*, upon the death of a co-administrator, the powers and duties of the personal representatives are conferred upon the surviving administrator. Therefore, the assertion that the 1<sup>st</sup> Respondent be deemed a masquerader is unfounded, as she is the sole surviving administrator of the estate. Additionally, given that there is no



continuing trust to consider, the 1<sup>st</sup> Respondent is duly empowered to proceed with the administration of the estate in accordance with the law.

16. The estate consists of one immovable property – LR/Dagoretti/Kangemi 798, that contains rental units. Upon review of the evidence presented, it is my considered assessment that there is no threat to, nor wastage of, the property in question. The application does not meet the threshold for granting any injunctive relief, and that prayer is denied.
17. The evidence also shows the distribution of some money from the rent among the surviving beneficiaries, including the Applicant. What emerges from the affidavits is a prevailing dissatisfaction with the sharing of this income from the estate, coupled with the Applicant’s desire to intertwine the administration and distribution of the two estates for their parents.
18. In this cause (1945 of 2003), the Certificate of Confirmation of Grant vested the net intestate estate of the deceased in Sarah, the widow, as tenant for life, and thereafter the property vests in the named children of the deceased as tenants in common.
19. As there is a straightforward mode of distribution and no other immovable property in question in this estate, I believe there is no necessity for valuation orders concerning this property at this time.
20. In order to assuage any concerns and facilitate a resolution of the family matters, the 1<sup>st</sup> Respondent, as the administrator, is hereby ordered to file and serve upon all beneficiaries a comprehensive and accurate inventory and account of the estate within 60 days from the date of this order. This account shall detail the rental income generated by the property, payments made and expenses incurred, including land rates, land rent, taxes, maintenance, and any other relevant fees. Additionally, the account should reflect the current status of the shares from Sarah’s (the widow) passing on 29<sup>th</sup> August, 2019 to the present date.
21. The application for revocation having been withdrawn, the remaining pending application is dated 22<sup>nd</sup> June, 2022. The parties are granted time to confirm to the Court, at the next mention, their preferred course of action regarding this application.
22. The costs of this application shall be in the cause.
23. The directions pertaining to P&A E926 of 2021 have been issued in that file.
24. 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

