

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
SUCCESSION CAUSE NO 1174 OF 2013

IN THE MATTER OF THE ESTATE OF GABRIEL KINYANJUI
KAMAU (DECEASED)

TERESIAH WANGUI KINYANJUI.....
ADMINISTRATOR

VERSUS

ANNE WANJIRU KINYANJUI.....
PROTESTOR

RULING

1. This Ruling is in respect of the Protestor's Further Affidavit of Protest dated 1st April 2025 in relation to the Grant of Letters of Administration issued herein on 30th August 2013 in the Matter of The Estate of Gabriel Kinyanjui Kamau (Deceased). The Protestor is seeking the following Order as per the terms of paragraph 6 of her Further Affidavit of Protest dated 1st April 2025:

(i) That the Grant of Letters of Administration issued herein on 30th August 2013 be fully confirmed in terms of paragraph 5 of the affidavit of protest sworn on 15th June 2015 that Plot No. 59 Mariira Market be registered in the name of the Protestor as per the Judgement dated 11th December 2024 in Murang'a CMCC No.238 of 2016."

2. The Protestor Anne Wanjiru Knyanjui and the Administrator Teresiah Wangui Kinyanjui are co-wives and widows of the late Gabriel Kinyanjui Kamau. Teresiah Wangui Kinyanjui was

appointed as the administratrix of the Estate of Gabriel Kinyanjui Kamau vide a Ruling issued in **Murang'a High Court Succession Cause No. 1174 of 2013**.

3. The Protestor moved the trial Court vide a Complaint dated 8th July 2016 and filed on 27th July 2016 in **Murang'a Chief Magistrate's Court Case No. 238 of 2016** seeking, *inter alia*, that Plot No. 59 Mariira Market (the subject property) registered in her deceased's name be registered in the Protestor's name and the trust subsisting over the aforesaid property be dissolved.
4. The Protestor filed written submissions dated 13th October 2025 through her counsel wherein she submitted that the suit property was the subject of determination in **Murang'a C.M Civil Case No.238 of 2016**, whereby, the trial Court declared vide a judgement delivered on 11th December 2024 that the suit land is rightfully owned by the Protestor, dissolved the trust subsisting over the said plot and directed that same be registered in the Protestor's name.
5. The matter before the Court dates to the year 2013 when the Administrator of the deceased's Estate was appointed to that office. At the trial Court, the Defendant/Administrator subscribed to the position that the suit property formed part of her late husband's Estate.
6. The Administrator herein did not oppose the subject Further Affidavit of Protest. On file is an Affidavit sworn dated 26th November 2025 sworn by Simon G. Kamau, a licensed Court Process Server, wherein the deponent states that he served the Administrator herein in person with copies of the mention notice dated 31st October 2025 as well as the Protestor's submissions dated 13th October 2025 at the Administrator's residential home situated at Mariira Village, Kigumo sub-County in Murang'a County on 31st October 2025.

7. There is a further Affidavit of Service on file sworn by the same Court Process Server on 15th July 2025 wherein he deposes that he served the Administrator personally on 4th July 2025 with copies of Directions' Notice dated 4th July 2025 and the Protestor's Affidavit of Protest dated 1st April 2025 at the Administrator's place of residence indicated hereinabove. Furthermore, that the Administrator was personally known to the aforesaid Court Process Server having served her with documents in relation to Murang'a C.M Civil Case No.238 of 2016.
8. The Protestor's claim over the subject property was premised on the grounds that she paid the entire purchase price for the same being Ksh.630,000.00 to the Vendor Mwangi Ng'ang'a and her husband was registered as the owner thereof only as a trustee.
9. The Protestor now prays that the subject property be registered in her name as held by the trial Court. She annexed a copy of the Judgment of the trial Court dated 11th December 2024, declaring the Protestor the owner of suit property to the exclusion of any other party.
10. The trial court, upon conducting a full trial whereby the Defendant/Administrator testified and tested the Plaintiff/Protestor's evidence, determined that the subject property does not belong to the deceased's Estate but forms the Protestor's exclusive property.
11. Vide its Judgment rendered on 11th December 2024, the trial Court ruled in favor of the Protestor, holding that she adduced sufficient evidence establishing her claim to ownership over the suit property namely, a land sale agreement dated 27th February 2009, a change of ownership over the subject property dated 17th December 2009 issued by the County Council of Maragua, acknowledgment of receipt of payment

and discharge voucher dated 25th August 2010 and a copy of the deceased's Will dated 6th April 2010.

12. The Protestor is seeking to be registered as the sole owner of the subject property as directed by the trial Court. It is trite that Court Orders are not issued in vain. Accordingly, this Court holds that the Grant of Letters of Administration issued on 30th August 2013 in the MATTER OF THE ESTATE OF GABRIEL KINYANJUI KAMAU (DECEASED) is hereby rectified by removing Plot No. 59 Mariira Market (the subject property) from the list of properties belonging to the deceased's Estate. It is noteworthy that no appeal has been preferred against the aforesaid decision of the trial Court, therefore, same remains in force.

13. Final Orders:

(i) The Court hereby directs the Lands Registrar to register the subject property being Plot No. 59 Mariira Market in the name of the Protestor herein as held in Murang'a C.M Civil Case No.238 of 2016 in its decision dated 11th December 2024.

(ii) Each party to bear their own costs.

Dated, Signed and Delivered Virtually on this 13th day of May 2026.

HON. T. W. OUYA, OGW

JUDGE

In the presence of:

Kirubi - for the Applicant

**No appearance for Respondent
Hamza/Kevin - Court Assistants**

ORIGINAL