

REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE NO 231 OF 2010

IN THE MATTER OF THE ESTATE OF THE LATE SAMUEL WAWERU
MUGO (DECEASED)

MIRRIAM NJOKI WAWERU.....1ST

PETITIONER

PETER KINYANJUI WAWERU.....2ND

PETITIONER

MARY WAMBUI GACHAHI.....3RD

PETITIONER

VERSUS

ANN WANJIRU MUREITHI.....1ST

OBJECTOR

OBADIAH KARURU.....2ND OBJECTOR

DAVID GATHURU.....3RD

OBJECTOR

JOHN WAWERU NJOGU.....4TH OBJECTOR

Coram: Before Justice R. Nyakundi

M/s Anassi Momanyi & Co Advocates

M/s Z.K Yego Law Offices

RULING

1. What is pending before this Honourable Court for determination is Summons dated 14th January 2026 premised under section 47 of the Law of Succession Act and Rule 49 and 63 of the Probate and Administration Rules where the 1st Objector/Applicant is seeking the following orders: -
 - a. Spent
 - b. Spent
 - c. Pending the distribution of the estate, Petitioners/Administrators and or beneficiaries be restrained from in any way interfering with the

applicant's peaceful occupation and use of LR Uasin Gishu/Kimumu/1365 and or in any way dealing with it to the applicant's detriment.

d. Costs of the application be provided for.

2. The Application is made on the following grounds on the face of it among others: -
 - a. The Applicant is a daughter of the deceased Samuel Waweru Mugo and a beneficiary to the estate.
 - b. The Petitioners are unhappy that she accepted to give a sample for DNA to be undertaken over the 2nd and 3rd Objectors paternity.
 - c. The Applicant and her family reside on LR Uasin Gishu/Kimumu/1365.
 - d. The Petitioners/Administrators and some of the beneficiaries have threatened to evict her from her home on LR Uasin Gishu/Kimumu/1365.
 - e. There is need to have the beneficiaries/Administrators and some of the beneficiaries restrained from interfering with the applicant's peaceful use and occupation of LR Uasin Gishu/Kimumu/1365.
 - f. That the Applicant is entitled to a portion of the estate and distribution has not been done.
 - g. That the Petitioners/Administrators conduct is such that they are treating the estate as personal property to deal with as they wish.
3. The Summons is supported by the Annexed Affidavit sworn Ann Wanjiru Mureithi, the 1st Objector/Applicant who deponed as follows: -
 - a. *That I am the 1st Objector herein and daughter to the deceased.*
 - b. *That the estate of the deceased is yet to be distributed as the court is awaiting the DNA outcome of the 2nd and 3rd Objectors paternity.*
 - c. *That the DNA exercise has taken place but the results are not yet out.*
 - d. *That since November 2025, I have been the target of threats and harassment from my brothers, the Administrators and other siblings.*

- e. *That the Administrators have on several occasions came to my home which I built on LR Uasin Gishu/Kimumu/1365 to harass me and demand that I vacate the premises.*
- f. *That the Petitioners/Administrators conduct is illegal and untenable.*
- g. *That the Petitioners/Administrators are conducting themselves as if they own the estate of my late father and are behaving as if I have no share in the estate and that distribution of the estate will be done by themselves as they wish.*
- h. *That I am aware that the power to distribute the estate lies with the Honourable Court and I have received several threats physically, through phone calls and sms.*
- i. *That I am under immense distress and need protection from the Honourable Court and that the Petitioners/Administrators ought to be restrained from interfering with my peaceful occupation of LR Uasin Gishu/Kimumu/1365.*
- j. *That it is me who constructed the houses I occupy and live in on LR Uasin Gishu/Kimumu/1365.*
- k. *That the Petitioners/Administrators conduct is ultra vires their mandate as administrators and is an abuse of their position.*
- l. *That I risk being rendered homeless by the Petitioners' conduct and I have lodged a complaint with the police and the Area Chief to no avail.*

Replying Affidavit

- 4. The Application is opposed vide a Replying Affidavit dated 10th February 2026 sworn by Peter Kinyanjui Waweru, the 2nd Petitioner/Administrator who deponed as follows: -
 - 1. *That the allegations contained in the application dated 14th January 2026 are misleading and designed to frustrate the proper administration of the estate of the deceased. The Applicant having formally withdrawn her objections in court and the court having*

dismissed her objection, she cannot thereafter describe herself as an objector for she has no objection proceedings alive before the court.

- 2. That I deny that the petitioners have threatened to evict the Applicant from **LR Uasin Gishu/Kimumu/1365** as alleged or at all as she does not reside on the said parcel of land. By her own admission in the course of the hearing of an application dated 31st August, 2020 for contempt of court against her, in her replying affidavit dated 14/9/2020 at paragraph 11 the Applicant stated thus: -*

“11. That I reside on land reference Uasin Gishu/Kimumu/1364 and my house crumbled and I was left with no option other than to rebuilt the residence (annexed are photographs on the deplorable state of the house which collapsed marked A WMI, 2 and 3).”

- 3. That the parcel known as **Uasin Gishu/Kimumu/1365** is different from **Uasin Gishu/Kimumu/1364**.*
- 4. That this Honourable court vide the judgment dated 11th October 2024 already dismissed the objection herein filed by Ann Wanjiru Mureithi and determined the same adversely against her and declared that the suit land parcel namely **LR Uasin Gishu/Kimumu/1365** belongs to the late Samuel Mugo.*
- 5. That the said property **LR Uasin Gishu/Kimumu/1365** is an asset of the estate that must be distributed in accordance with the law and the orders of this Honourable Court, and the Applicant has no valid claim of ownership or exclusive right to the said property.*
- 6. That the distribution of the estate assets LR Uasin Gishu/Kimumu/1365, is a matter to be determined by this Honourable court in accordance with the law and not by the administrators or any individual beneficiary.*
- 7. That further, application before court is without any merit and is an abuse of the court for the following reasons: -*

- a) *The Applicant having dragged the petitioners and the more than 20 beneficiaries of the deceased in this matter and having herself testified in the objection proceedings and closing her case, formally withdrew her objections on 6th February, 2024 and the Applicant cannot therefore describe herself as an objector for she has no objection proceedings alive before the court.*
- b) *The objection proceedings by the Applicant were malicious and aimed at delaying the administration and the distribution of the estate of the deceased;*
- c) *The Applicant does not own and has never own **Uasin Gishu/Kimumu/1365** (hereinafter the suit property) and does not have any ownership right or claim to the suit property;*
- d) *In addition to the withdrawal of the objection proceedings by the Applicant, this Honourable court in its ruling dated 11th October, 2024 dismissed the Applicant's objection its entirety. The court made a conclusive finding that the Applicant has no valid claim to the suit property in the following terms: -*
45. *[...]On this question of ownership of the two parcels, evidence before this court clearly points to the deceased person as the registered owner of the two parcels.*
45. *Having stated that position, there is no doubt in my mind that the property belongs to the deceased. It is evident that the two parcels are still in the name of the deceased person and not the 1st Objector. The 1st Objector averred that the transfer was not complete as land control board was never sought and that the 1st Objector having rescinded the agreement through the letter dated 14th November, 1995, the parcels known as Uasin Gishu/Kimumu/1364 and Uasin Gishu/Kimumu/1365 became registered in the name of the deceased in 1997.*

46. In cases such as this, the court is called upon to determine whether a property in question belongs to the estate of the deceased, the Court must be satisfied that that is the position so as to avoid a possibility of wrongfully incorporating another party's property into the estate as that may lead to serious consequences. The evidence as adduced by the parties indicates that the deceased person is the registered owner of the properties in question. Therefore, I share the view that the claim already filed at the Environment and Land Court is an afterthought. This court can only use the tangible evidence before it to make a determination and to this end, I am inclined to find that the parcels in question belong to the deceased person.

- e) There is no stay of execution against the ruling of the court dated 11th October, 2024 or any inhibition against the administrators or the beneficiaries of the estate from accessing or lawfully dealing with the suit property which is rightfully in the hands of the administrators.
8. That after this Honourable court dismissed the Applicant's objection herein, which she in fact had also formally withdrawn, the Applicant did not apply for any stay of execution of the orders of the court against herself and that is why she is mischievously silent about that fact, and latching onto the issue of the DNA test that doesn't concern the objection that she withdrew, hoping it will prop up her baseless application.
9. That the DNA testing arose because of doubts regarding the paternity of 2nd and 3rd objectors and the petitioners have a legitimate interest in ensuring that only rightful beneficiaries inherit from the estate and the Applicant's acceptance to give a sample of the DNA should not be

construed as entitling her to interfere with the orderly administration of the estate or how the assets should be managed.

- 10. That the Applicant has been using persistent mischief and trickery to lay a claim to the suit property through her prevarications and contradictory claims at different times that have ranged unfounded assertions that the deceased gave her the suit property as a gift inter vivos, to the baseless claims of purchase and finally when she sensed she couldn't prove any claim in the succession case herein, rushed to the Environment and Land Court to institute a fresh claim of adverse possession after dragging all the beneficiaries in litigation for 14 years.*
- 11. That it is disingenuous and a falsehood for the Applicant to claim that she has a home on **Uasin Gishu/Kimumu/1365** while the structures thereon were built in contempt of court when the succession matter was ongoing and after illegally and brazenly bringing down the structures constructed by the deceased.*
- 12. That vide an order issued on 28/10/2015 this Honourable court ordered the Applicant to render a full and true account of the rent collected over the three suit properties namely **Uasin Gishu/Kimumu/1364,1365** and **Eldoret Municipal Block 16 (Kamukunji) 349** by filing in court a suitable report under the hand of a registered account within a period of 90 days of the ruling of the court and thereafter to file further reports every year until the final determination of the objection proceedings or main petition.*
- 13. That the Applicant did not only disobey the said order by not rendering accounts but continued to collect and utilize the rent as she pleased without being accountable to any person or the court as will be borne out by the court record.*
- 14. That in persistent disobedience of the orders dated 28/10/2015 for status quo to preserve the estate the Applicant herein contemptuously*

and illegally in the year 2020 constructed permanent structures on the suit property.

15. That vide summons dated 31st August, 2020 and filed in court on 8/9/2020, the petitioners herein applied for: -

a) Inhibition Order stopping Ann Wanjiru Mureithi, either by herself, her agents or servants from constructing, continuing with construction or in any other manner dealing and or intermeddling with the Status Quo on land reference number UASIN GISHU/KIMUMU/1364 and 1365 pending the hearing and determination of the summons and the Succession Cause herein.

b) this Honorable Court in exercise of its inherent power do punish Ann Wanjiru Mureithi for contravening the Court Orders issued on 28th October, 2015 pursuant to the Ruling delivered on 29th September, 2015.

16. That the Applicant through her affidavit sworn on 14/09/2020 admitted on oath that she indeed constructed permanent houses on the suit property and that the new permanent houses were not in existence as at 29/9/2015 when this Honourable court issued an order of status quo to be maintained to preserve the estate.

17. That from her contemptuous acts of intermeddling with **Uasin Gishu/Kimumu/1365** and **Uasin Gishu/Kimumu/1365** and illegally constructing structures on the land when the succession matter was pending, the Applicant herein was on 15th March, 2021 convicted of contempt of court and fined Kshs. 50,000 and in default, imprisonment for three (3) months.

18. That this Honourable court further ordered the petitioners herein to open a bank account for purposes of collecting the rent. The said account was opened and the tenants on **Uasin Gishu/Kimumu/1364** and **1365** duly served with the order.

19. That despite the clear orders of the court punishing her for contempt and prohibiting her from collecting rent from the structures on **Uasin Gishu/Kimumu/1365**, the Applicant applied to review the ruling and orders of the court which application was dismissed as without merit.
20. That undeterred in her perennial disobedience of court orders, the Applicant advised the tenants to disobey the court order by alleging they had all already paid in advance their respective full rents for the year 2021.
21. That in order to further circumvent the order of the court for the administrators to collect rent from **Uasin Gishu/Kimumu/1364** and **1365**, the Applicant has installed various persons including her adult children, her grandchildren, grand-grandchildren and their families in the suit property.
22. That I am reliably informed by our counsel on record which advice I verily believe to be true that: -
- a) Under Section 29 of the Law of Succession Act, the children and grandchildren of the Applicant who is a daughter of the deceased cannot take precedence over the children of the deceased who are the rightful beneficiaries and the actions of the Applicant to install her children and grandchildren in the same properties that the court ordered the administrators to be collecting rent from amounts to intermeddling and further contempt of the court;
 - b) The court having ordered the administrators to be collecting rent in the houses constructed on **Uasin Gishu/Kimumu/1364** and **1365** and **Eldoret Municipal Block 16 (Kamukunji) 349**, the Applicant is acting in contempt by purporting to occupy the same houses with her family who do not fall under the nearest degree of affinity and consanguinity and she is constructively disinherits the rightful dependants and beneficiaries.

23. That I informed by my counsel on record which advice I really believe that a litigant who seeks equitable reliefs from the court must act equitably and that: -

a. He who comes to equity must do equity. The Applicant has not acted equitably throughout the course of the succession cause and is playing victim claiming that we have intermeddled with the estate yet it is her who continues to intermeddle with the estate by persisting in illegal possession of the property of the estate and renting out the said property and pocketing all the proceeds thus depriving the estate of its core income.

b. He who comes to equity must come with clean hands. Applicant has constantly violated orders issued by this court and now once the court to endorse her illegality by allowing her to occupy and have peaceful use of buildings constructed in violation of court orders, without paying any rent, which is contrary to “orders that are in force.

c. Equity does not aid or abet illegalities and therefore this court cannot be called to protect the Applicant who has admitted to constructing structures in disobedience of and persistently disobeys court orders.

d. Courts of law do not issue orders in vain and the court cannot abdicate and violate its own orders regarding the payment of rent in **Uasin Gishu/Kimumu/1364 and 1365.**

24. That following the ruling delivered herein on 11th October, 2024 dismissing the applicant’s objections, the administrators in their solemn duty to administer the estate and in compliance with past orders of this Honourable since October, 2025 engaged Majuwa Agencies to manage the said rental premises and collect rent on behalf of the estate.

25. *That the Applicant is now crying wolf after the administrators effectively closed the tap she was using to draw assets from the estate without any legal basis and the application before court is a bid to forestall smooth management of the property by Majuwa Agencies, an independent real estate agency appointed by the administrators of the estate to manage the deceased's rental units.*
26. *That it is the solemn and legal duty of the administrators to faithfully and conscientiously administer the estate of the deceased and asking the occupants of the building constructed on **Uasin Gishu/Kimumu/1364** to pay rent in enforcement of the orders of this court cannot be said to be ultra vires their mandate.*
27. *That it is a baseless allegation that the petitioners/administrators are treating the state as the personal property to deal with as they wish and no evidence has been tendered to back such a baseless claim.*
28. *That the administrators of the estate of the deceased have a duty to safeguard the estate of the deceased from intermeddlers, trespassers and encroachers that include persons that the Applicant has installed in the property.*
29. *That the petitioner's claim of being rendered destitute or homeless is fictitious as she doesn't reside on the suit property and has installed other persons and her adult children who by law fall outside any close degree of affinity or consanguinity and who are not and cannot have any precedence over the rightful beneficiaries and dependents.*
30. *The Applicant has not demonstrated what irreparable harm she will suffer if the orders sought are not granted. To the contrary: -*
 - a. *The Applicant does not reside on Uasin Gishu/Kimumu/1365 and has installed other persons that are neither dependants nor beneficiaries of the estate nor do they come anywhere close to near degree of affinity and consanguinity regarding the deceased.*

- b. The Applicant does not own the suit property and this Honourable Court has made a conclusive finding to that effect.
31. That the actual people that have suffered prolonged and severe prejudice are more than 22 beneficiaries and dependants and beneficiaries of the deceased, most of who live a life of penury 16 years after the demise of the late Samuel Waweru Mugo as the Applicant drags them through the succession court for years only to maliciously withdraw her objection after she had testified and closed her, and now, as an afterthought has filed a case for adverse possession over the same suit properties, as she seeks to continue collecting rental income from the suit property.
32. That the people that have suffered real and irreparable loss and prejudice are:
- a. The beneficiaries and dependants of the deceased who have been kept off rent from **Uasin Gishu/Kimumu/1364,1365** and **Eldoret Municipal Block 16 (Kamukunji) 349** contrary to the orders of the court of 28/10/15 as the Applicant disobeyed court orders to render accounts for the rents collected from the said properties to date.
 - b. The ageing beneficiaries of the deceased including elderly children and the surviving widow of the deceased in their 60s and 70s who have not been able to benefit from the estate of the deceased for the last 16 years when this matter has dragged on in court;
 - c. The beneficiaries of the estate who are battling life-threatening deceases like diabetes and hypertension, placing an unbearable burden of medication costs on their children and the family generally, whilst they would be living a better life if they already had their share of the estate of the deceased.

33. *That I am not privy to and am a stranger to the annexures marked 2, 3 and 4 annexed to the Applicant's supporting affidavit and wish to state as follows: -*
- a. *The Applicant is not their maker and also I do not know their makers and neither have they sworn any affidavit to confirm their authenticity.*
 - b. *The applicant is under misapprehensions that she owns the suit property and the administrators and the other beneficiaries should not have access to the suit property, even after the court declared the property to belong to the deceased, and therefore treats any visit by the administrators and the beneficiaries as a threat which she reports to the local administration and various police stations.*
 - c. *The administrators and the other beneficiaries have every right to access the suit property and enforce the previous orders of the court to collect rent and administer the estate faithfully pending the distribution of the estate.*
 - d. *To the contrary, it is the Applicant who has threatened physical harm to the rest of the beneficiaries whilst purporting to stop them from accessing the suit property which belongs to the deceased and is under the administration of the administrators and accessible to every child of the deceased.*
34. *That determined to frustrate the execution of the judgment of the court dated 11th October, 2024 herein the Applicant has brought in her children and grandchildren and allocated each one a unit in the said premises to frustrate new tenants from coming in after some tenants left when they noticed her determination to frustrate her siblings.*
35. *That the Applicant should be compelled to render a full account of all the rent she has illegally collected from the premises since this Honourable court issued an order on 29/9/2015.*

36. *That the Certificate of Urgency sworn by Dalton Wanaina is not supported by any credible evidence of harassment, threats or any action by the petitioners to evict the Applicant as alleged.*
37. *That granting the orders sought by the Applicant would unduly interfere with the proper administration of the estate and would prejudice the rights of other beneficiaries and the jurisdiction of this Honourable court to determine the distribution of the assets.*
38. *That the Applicant continues to treat the court process with contempt and disobedience and in contravention of the sub judice rule, has in the cause of time chosen to publish malicious content online through the Tik Tok forum where she has published several contemptuous posts as she besmirches the administrators and the beneficiaries.*
39. *That allegations by the Applicant about the behaviour of the administrators or that they are unhappy about her are her own one-sided personal opinion not supported by the rest of the beneficiaries. The said claims have no basis.*
40. *That the Applicant, being a trespasser on the suit property, is not innocent and is misleading that the court she is an innocent occupier. What the Applicant is doing is illegally and through falsehoods trying to disinherit the rest of the beneficiaries.*
41. *That the Applicant has admitted to contemptuously having constructed illegal structures on the suit property during the succession cause in disobedience of existing court orders ordering status quo ante and therefore cannot ask for the court to protect occupy the suit property as this would be asking the court to aid an illegality.*
42. *That annexure 4 to the supporting affidavit of Anne Mureithi is inadmissible as evidence not being authenticated or verified according to the Evidence Act.*
43. *That I verily believe that the Applicant has not demonstrated any basis for the urgent orders sought and that the application is intended to*

create unnecessary tension and delay in the administration of the estate.

44. *That it is in the interest of justice and proper administration of the estate that the Application dated 14th January 2026 be dismissed with costs.*

Supplementary Affidavit

5. The 1st Objector/Applicant responded to the Replying Affidavit by way of a Supplementary Affidavit dated 25th February 2026 in which she deponed as follows: -
1. *That although I withdrew my objection on the basis of my land purchase I did not cease being an objector and a beneficiary to the estate of my late father.*
 2. *That even if I was not an objector in the proceedings my right as a beneficiary to the estate still subsists.*
 3. *That it is true that I have residence on both parcel number Uasin Gishu/Kimumu/1364 and 1365.*
 4. *That there was no way my objection based on land purchase which is the subject of litigation in the Environment and Land Court could be the subject of dismissal in this proceedings despite the same having been withdrawn.*
 5. *That whether or not parcels number 1364 and 1365 form part of the estate of my late father depends on determination of my suit in the Environment and Land court*
 6. *That the validity or otherwise of my claim has not been determined by the environment and land court.*
 7. *That the estate is yet to be distributed and the administrators should not treat the estate as personal property to administer as they wish to whimsically.*
 8. *That there is no malice in a party or beneficiary pursuing an objection.*

9. *That the dismissal of my objection after it had been withdrawn is erroneous and untenable.*
10. *That whereas it is not in dispute that parcels number 1364 and 1365 are registered in the deceased's name the same does not preclude me from pursuing my claim to the same under the law.*
11. *That I am not a stranger to the estate but a genuine beneficiary even if I did not purchase a portion thereof and or my claim under adverse possession were in the unlikely even to fail.*
12. *That the persecution I am facing is because I have a position contrary to the petitioners' desire.*
13. *That I have not used any mischief or trick to lay a claim on the suit property.*
14. *That I have been consistent that I bought the land from my late father and the transaction became null and void owing to lack of consent of the Land Control Board.*
15. *That I did not sense inability to prove my claim. I took my lawyers advise on how to appropriately pursue my claim.*
16. *That there is no falsehood and disingenuity in my claim over parcel number 1365 since I have structures thereon.*
17. *That the deceased had no structures on parcel number 1365.*
18. *That the account was fully rendered in accordance with the Honourable court's order.*
19. *That the Honourable court has always been aware of my structures and occupation of parcels number 1364 and 1365*
20. *That I have never advised any tenant to disobey any court order*
21. *That the application is meant to prevent my eviction from parcels number 1364 and 1365 and not the tenants if any thereon*
22. *That nothing prevents me from occupying my structures on the 2 parcels of land nor are my children prohibited from occupying the same*

23. *That I am equitable in my dealings with the other beneficiaries to the estate*
24. *That I have never been ordered to pay rent for the structures I occupy and or my family occupies*
25. *That management of rental premises as nothing to do with my application and or the premises I occupy and or my family occupies*
26. *That the demolition of my structures and or removal of doors to my premises had nothing to do with collection of rent.*
27. *That I am not an intermeddler and or a stranger to the estate nor have I encroached on the same.*
28. *That the petitioners conduct will render me homeless and destitute.*
29. *That I am unable to understand how my children can fall outside the acceptable degree of consanguinity and affinity.*
30. *That nobody has been prejudiced by the dependants occupying the premises they have always been occupying as the distribution is done.*
31. *That I have no tenable claim over the parcels of land the subject of my application.*
32. *That nobody has suffered loss as a consequence of my occupation of the parcels of land either on account of adverse possession and or in my capacity as beneficiary.*
33. *That I have never used violence or threats of violence to continue occupying the parcels of land.*
34. *That there is nothing to enforce in the Honourable court's decision dated 11/10/2024 except the DNA as the estate has not been distributed.*
35. *That my occupation of land reference Uasin Gishu/Kimumu/1365 did not start after 11/10/2024 as admitted I was thereon even before 2020.*
36. *That my application will not in any way affect the administration and distribution of the estate.*
37. *That I have not acted contrary to the sub judice rule.*

38. *That the police have taken action against the administrators and or their agents.*

39. *That I have no control over what takes place in TIKTOK and or social media.*

40. *That the structures on land reference Uasin Gishu/Kimumu/1364 and 1365 are not illegal.*

6. The Summons was canvassed by way of Written Submissions.

1st Objector/Applicant's Written Submissions

7. I take note that at the time of writing this Ruling, a look at the Case Tracking System (CTS) and the court file with regards to this intestate succession file indicates that the Applicant has not filed written submissions. I will however determine the Summons on merit.

Petitioners/Administrators Written Submissions

8. The Petitioners filed their Written submissions dated 11th February 2026 through their learned Counsel Mr. Yego. The learned counsel for the Petitioners Mr. Yego submitted that the Summons dated 14th January 2026 was misleading in its description of Ann Wanjiru Mureithi as the 1st Objector, as her objections were formally dismissed by this Court in the Judgment dated 11th October 2024. It was contended that the Applicant did not reside on parcel Uasin Gishu/Kimumu/1365, but had instead installed her children and grandchildren there to defeat the Order dated 15th March 2021, which had directed the petitioners to collect rent. It was further averred that the Applicant's own replying affidavit dated 14/09/2020 admitted her residence was on parcel 1364, a property distinct from the suit land.

9. It was argued that the suit properties, specifically Uasin Gishu/Kimumu/1364, 1365 and Eldoret Municipal Block 16 (Kamukunji) 349, were determined to belong to the estate of the late Samuel Mugo in the Judgment dated 11th October 2024. A scheme was said to have been orchestrated by the Applicant to circumvent court orders by

mischievously directing tenants to claim that rent for the entire year of 2021 had been paid in advance. These actions were described as contumelious and contemptuous, intended to deprive the estate of its core income. Reference was made to the Judgment dated 11th October 2026, wherein the Court had previously noted serious gaps in the authenticity of the Applicant's inconsistent claims of ownership through purchase, gifts inter vivos and adverse possession.

10. The learned Counsel submitted that the Applicant had been convicted of contempt of court on 15th March 2021 and fined Kshs. 50,000 for constructing permanent houses in defiance of the Status Quo Orders dated 29th September 2015 and 28th October 2015. It was submitted that under Section 39 of the Law of Succession Act, the Applicant's family members were not rightful dependants and their occupation constituted intermeddling. The equitable maxims that "he who comes to equity must do equity" and "he who comes to equity must come with clean hands" were invoked, with counsel asserting that the Court should not reward illegalities or protect a party who persistently disobeyed court orders.
11. Finally, it was maintained that no irreparable harm was demonstrated by the Applicant, as the true prejudice was suffered by more than 22 beneficiaries who had endured 16 years of penury while the Applicant illegally collected rent. The balance of convenience was said not to tilt in favour of the Applicant, whose application was described as an abuse of the court process intended to create unnecessary tension and delay. Consequently, the learned counsel Mr. Yego submitted that the Summons be dismissed with costs and the Applicant be compelled to render a full account of all rent illegally collected since the Order dated 28th October 2015.

Analysis and Determination

12. The jurisdiction of this Court to entertain this Application is provided for in Section 47 of the Law of Succession Act. In particular, this section provides as follows: -

“The High Court shall have jurisdiction to entertain any application and determine any dispute under this Act and to pronounce such decrees and make such orders therein as may be expedient.

Provided that the High Court may for the purpose of this section be represented by Resident Magistrates appointed by the Chief Justice.”

13. On the other hand, Rule 73 of the Probate and Administration Rules provides that: -

“Nothing in these Rules shall limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.”

14. Section 47 of the Law of Succession Act thus vests this court with wide discretion in granting protective powers for purposes of safeguarding the estate of a deceased person. The Court of Appeal in **Floris Piezzo & Another VS TGiancarlo Falasconi (2014) eKLR**, while considering whether an injunction can issue in a Succession Cause expressed itself as follows: -

“...Indeed Section 47 of the said Act gives the Court jurisdiction to entertain any application and determine any dispute under the Act and to pronounce such decree and orders as may be expedient. It cannot be said that such decrees and orders would exclude injunction orders. In other words, we are of the same view that Section 47 of the Act gives the Court all-embracing powers to make necessary orders, including injunctions where appropriate to safeguard the deceased’s estate. This section must be read together with Rule 73 of the Probate and Administration Rules which further emboldens Court’s jurisdiction to make such orders as may be necessary for the ends of justice or to

prevent abuse of the process of Court. We would imagine such orders would also include injunctive orders.”

15. Before addressing the merits of the application, it is necessary to set out, in extensor, the **litigation history** of this matter as discerned from the record. The said history is central to understanding the context within which the present application arises: -

- a. *That vide an order issued on **28/10/2015** this Honourable court ordered the Applicant to render a full and true account of the rent collected over the three suit properties namely Uasin Gishu/Kimumu/1364, 1365 and Eldoret Municipal Block 16 (Kamukunji) 349 by filing in court a suitable report under the hand of a registered accountant within a period of 90 days of the ruling of the court and thereafter to file further reports every year until the final determination of the objection proceedings or main petition.*
- b. *That in persistent disobedience of the orders dated 28/10/2015 for status quo to preserve the estate the Applicant herein contemptuously and illegally in the year 2020 constructed permanent structures on the suit property.*
- c. *That vide summons dated **31st August, 2020** and filed in court on **8/9/2020**, the petitioners herein applied for inhibition orders and for punishment of the Applicant for contravening the court orders issued on **28th October, 2015**.*
- d. *That the Applicant through her affidavit sworn on **14/09/2020** admitted on oath that she indeed constructed permanent houses on the suit property and that the new permanent houses were not in existence as at **29/9/2015** when this Honourable court issued an order of status quo.*
- e. *That from her contemptuous acts of intermeddling with the suit property and illegally constructing structures on the land when the succession matter was pending, the Applicant herein was on **15th***

- March, 2021** convicted of contempt of court and fined Kshs. 50,000 and in default, imprisonment for three (3) months.
- f. That this Honourable court further ordered the petitioners herein to open a bank account for purposes of collecting the rent and the said account was opened and tenants duly served.
 - g. That despite the clear orders of the court punishing her for contempt and prohibiting her from collecting rent, the Applicant applied to review the ruling and orders of the court which application was dismissed vide a Ruling dated **11th October 2021**.
 - h. That following the ruling delivered herein on **11th October, 2024** dismissing the Applicant's objection, the administrators in their solemn duty to administer the estate engaged Majuwa Agencies to manage the said rental premises and collect rent on behalf of the estate.
 - i. That this Honourable court vide judgment dated **11th October 2024** already dismissed the objection herein filed by Ann Wanjiru Mureithi and determined that the suit land parcel namely LR Uasin Gishu/Kimumu/1365 belongs to the late Samuel Mugo.
16. I have read and considered the Summons and the Replying Affidavit in opposition and the rival submissions. The Applicant seeks, principally, an order restraining the Petitioners/Administrators and/or beneficiaries from interfering with her alleged peaceful occupation and use of LR No. Uasin Gishu/Kimumu/1365 pending distribution of the estate. There are five (5) issues for determination based on the application by this Honourable Court;
- a. Whether the Applicant has established a basis for grant of injunctive relief.
 - b. Whether the Applicant has proved occupation and threat of eviction.
 - c. Whether an order for accounts ought to issue.

Whether the Applicant has established a basis for grant of injunctive relief.

17. The conditions for the grant of a temporary injunction were set in the now famous case of **Giella Vs Cassman Brown & Co Ltd (1973) EA 358** where the Court of Appeal held as follows: -

“First an applicant must show a prima facie case with a probability of success. Secondly, an interlocutory injunction will not normally be granted unless the applicant might otherwise suffer irreparable injury which would not adequately be compensated by an award of damages. Thirdly if the court is in doubt it will decide an application on the balance of convenience.”

18. In the case of **Nguruman Limited Vs Jan Bonde Nielsen & 2 Others (2014) eKLR**, the Court of Appeal further explained that: -

“...these are the three pillars on which rest the foundation of any order of injunction, interlocutory or permanent. It is established that all the above three conditions and stages are to be applied as separate, distinct and logical hurdles which the applicant is expected to surmount sequentially... if the applicant establishes a prima facie case that alone is not sufficient basis to grant an interlocutory injunction, the court must further be satisfied that the injury the respondent will suffer, in the event the injunction is not granted will be irreparable. In other words, if damages recoverable in law are an adequate remedy and the respondent is capable of paying, no interlocutory order of injunction should normally be granted, however strong the applicant’s claim may appear at that stage. If prima facie case is not established, then irreparable injury and balance of convenience need no consideration.”

19. Since the Plaintiff seeks grant of injunctive reliefs, from the above authorities, the first element that he is required to establish is that he has a **prima facie case with a probability of success**. A prima facie case

was defined by the Court of Appeal in **Mrao Ltd Vs First American Bank of Kenya Ltd & 2 Others (2003) eKLR** as follows: -

“So, what is a prima facie case? I would say that in civil cases it is a case in which on the material presented to the Court a tribunal properly directing itself will conclude that there exists a right which has apparently been infringed by the opposite party as to call for an explanation or rebuttal from the latter.”

20. The Applicant asserts that she is a beneficiary and is in occupation of LR No. Uasin Gishu/Kimumu/1365. However, the Court notes that the issue of ownership of the suit property was conclusively determined in the judgment dated 11th October 2024, where the Court held that the property belongs to the deceased and forms part of the estate, the Applicant’s prior claims based on purchase and other interests were dismissed and that the application for stay of execution of the said judgement was dismissed this Honourable Court. Essentially, the Applicant anchors her claim primarily on two grounds: her status as a beneficiary and her alleged occupation of the suit property.
21. From the record, since this Court had already pronounced itself in the judgment dated 11th October 2024 that LR No. Uasin Gishu/Kimumu/1365 forms part of the estate of the deceased, that finding remains unchallenged by way of appeal or review and is therefore binding. Consequently, the Applicant cannot assert any proprietary or exclusive possessory right over the suit property at this stage. Further, while it is not disputed that the Applicant is a daughter of the deceased and therefore a beneficiary within the meaning of Section 29 of the Law of Succession Act, such status does not confer an immediate or exclusive right to any specific asset of the estate prior to distribution. Beneficiaries hold only a beneficial interest in the estate as a whole, subject to administration and eventual distribution by the Court.

22. Moreover, the Applicant has instituted proceedings before the Environment and Land Court. This Court must be cautious not to pre-empt or conflict with issues properly before that Court. However, the pendency of such proceedings does not displace the subsisting finding of this Court that the property forms part of the estate. Accordingly, the Applicant has failed to demonstrate a prima facie case with a probability of success. Her claim is not grounded on an enforceable legal right capable of protection by injunction, but rather on a disputed and previously adjudicated interest.

Irreparable Harm and Balance of Convenience

23. The second and third limbs under the principles in **Giella Vs Cassman Brown & Co. Ltd [1973] EA 358** require the Court to consider whether the Applicant stands to suffer irreparable harm incapable of compensation by damages, and where the balance of convenience lies. On whether the Applicant has demonstrated irreparable harm, the Applicant contends that she risks being rendered homeless and destitute if the orders sought are not granted. She further alleges interference with structures on the suit property, including damage to doors and locking of premises. The Court has taken into account the material placed before it, including the report made to the police, the WhatsApp communication annexed and the charge sheet in Criminal Case No. E430/2026 relating to alleged malicious damage to property.

24. These materials demonstrate that there may have been acts of interference and tension on the ground. However, the legal question is whether such circumstances amount to irreparable harm within the meaning of the law governing injunctions. In this regard, several factors are decisive. First, the Applicant's interest in the suit property is not proprietary or exclusive, but rather beneficial and undivided, pending distribution of the estate. As such, any loss she may suffer does not

attach to a legally recognized exclusive right over the property, but to a disputed occupation.

25. Secondly, even assuming that the Applicant has structures on the land and that those structures have been interfered with, the nature of the alleged loss, damage to doors, gates or buildings is quantifiable and compensable in monetary terms. Such loss does not meet the threshold of irreparable harm as contemplated in law. Thirdly, the Applicant's claim of being rendered homeless must be weighed against the evidentiary record. There are inconsistencies as to her actual place of residence, including her prior admission that she resides on LR No. Uasin Gishu/Kimumu/1364. This weakens the assertion that she faces immediate destitution.
26. Fourthly and most importantly, the Applicant's occupation being founded on structures erected in defiance of court orders cannot be elevated to a legally protected interest warranting injunctive protection. The Court cannot characterize the consequences of unlawful occupation as irreparable harm deserving equitable intervention. In the premises, while the Court acknowledges that there exists tension and some level of interference on the ground, it is not satisfied that the Applicant has demonstrated irreparable harm in the legal sense required to justify the grant of an injunction.

Balance of convenience

27. This matter has been in court for a considerable period, spanning over a decade. The record reveals prolonged delay in the administration and distribution of the estate, much of which has been attributed to disputes involving the Applicant. The Court must now lean in favour of finality and orderly administration. There is uncontroverted evidence that the estate has been deprived of rental income, which constitutes a key asset for the

benefit of all beneficiaries. The continued occupation and alleged interference by the Applicant has, prima facie, impeded the administrators from collecting and accounting for such income. Fourthly, under Section 83 of the Law of Succession Act, administrators are under a statutory duty to collect and preserve the assets of the estate, pay debts and liabilities and distribute the estate to the rightful beneficiaries.

28. To grant the orders sought by the Applicant would have the effect of undermining the administrators' statutory mandate and potentially perpetuating the very mischief the law seeks to prevent namely, intermeddling and unilateral control of estate property. Moreover, the Court must also consider the broader interest of justice. The evidence suggests that the Applicant has, in the past, acted in disregard of court orders. Granting injunctive relief in such circumstances would not only prejudice other beneficiaries but also respect for the authority of the Court. Accordingly, this limb of the test is not satisfied and it further militates against the grant of the injunctive orders sought.

Whether the Applicant has proved occupation and threat of eviction

29. The Applicant asserts that she resides on LR No. Uasin Gishu/Kimumu/1365 and that the Petitioners and/or some beneficiaries have threatened to evict her therefrom. With this I put reference to section 107, 108 and 109 of the Evidence Act which states that the burden of proof lies upon the party who asserts the existence of a fact. In view of this, the rule of evidence is clear that "He who alleges must prove". The maxim has been grounded in law under Section 107 of the Evidence Act. The same was enunciated by late Justice Majanja in **Evans Otieno Nyakwana Vs Cleophas Bwana Ongaro [2015] eKLR** when he said that: -

“...As a general proposition the legal burden of proof lies upon the party who invokes the aid of the law and substantially asserts the affirmative of the issue.

30. That is the purport of section 107 (1) of the Evidence Act (Chapter 80 of the Law of Kenya) which provides: -

“107. (1) Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts must prove that those facts exist...”

31. Section 108 of the Evidence Act states that the burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side. For avoidance of doubt, the provision states as follows: -*“The burden of proof in a suit or proceedings lies on that person who would fail if no evidence at all were given on either side.”* In addition, section 109 of the same Act states: - *“The burden of proof as to any particular fact lies on the person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.”*

32. This Court must therefore interrogate two distinct but related limbs; occupation and threat of eviction or interference.

On Occupation

33. On the question of occupation, the record discloses material inconsistencies. The Respondents have correctly pointed out that in her own sworn affidavit dated 14th September 2020, the Applicant expressly stated that she resides on LR No. Uasin Gishu/Kimumu/1364. In the present application, however, she asserts occupation of LR No. 1365 and in her supplementary affidavit, she goes further to claim occupation of both parcels. Such shifting positions inevitably cast doubt on the precision and credibility of her claim as to the exact nature and extent of her occupation.

34. More critically, it is not disputed that the structures forming the basis of her alleged occupation on LR No. 1365 were erected in contravention of subsisting court orders maintaining the status quo. The record further shows that the Applicant was convicted of contempt of court on 15th March 2021 for acts relating to such construction. The legal consequence of this is significant. occupation that is founded upon acts done in deliberate disobedience of court orders cannot be said to be lawful. Courts of law cannot be called upon to protect possession that originates in illegality or contempt. To do so would amount to endorsing disobedience of judicial authority.
35. That said, the Court cannot entirely ignore the factual reality that the Applicant claims to have established structures on the ground and to be in some form of physical possession, whether directly or through persons she has placed thereon. The existence of such occupation, albeit disputed in legality, becomes relevant in assessing whether there has been interference warranting limited intervention by the Court.

On Threats, Harassment and Interference

36. The Applicant has annexed a report made to the OCS Ainabti Police Station dated 13th January 2026 and recorded under OB No. 38/11/12/2025, in which she alleges that some beneficiaries namely Stephen Mugo, John Njogu and Joseph Mburu have been creating disturbances at her residence, issuing threats, damaging her fence, locking premises with padlocks, and demanding that she vacate. Secondly, she has annexed a WhatsApp message allegedly sent to her stating: *“kuhama sio tafadhali. Estate ni ya Samuel Waweru lakini siii Stephen Mugo ndio anawapanga. sasa tulia nikupange.”* The tenor of the message suggests an assertion of control over the estate and an implicit directive that the Applicant should vacate or submit to the authority of the sender. It is not an explicit threat of eviction, but it is capable of being

construed as coercive and intimidating within the context of an ongoing family dispute over estate property.

37. Thirdly, the Applicant has annexed a Charge Sheet dated 24th February 2026 in Criminal Case No. E430/2026, wherein Stephen Mugo Waweru and John Waweru Njogu are charged with the offence of malicious damage to property contrary to Section 339(1) of the Penal Code. The particulars allege destruction of doors and a gate valued at approximately Kshs. 172,000, said to be the property of the Applicant. The existence of criminal proceedings lends some degree of corroboration to the claim that there has been physical interference with structures associated with the Applicant. However, it must be emphasized that criminal charges are not proof of guilt and this Court cannot make definitive findings on criminal liability.
38. Nonetheless, the material placed before the Court is sufficient to demonstrate that there exists a real dispute accompanied by acts of interference on the ground, rather than mere speculative fear. Therefore, based on the above, two critical legal considerations arise: -
- a. First, the nature of the Applicant's interest. As already determined, the Applicant has no exclusive proprietary right over LR No. 1365. The property forms part of the estate and remains subject to administration. Her occupation, to the extent that it exists, is neither exclusive nor legally superior to that of other beneficiaries.
 - b. Secondly, the role of the administrators. Under Section 79 and 83 of the Law of Succession Act, the estate vests in the administrators, who are mandated to preserve and manage it. Beneficiaries, including the Applicant, cannot unilaterally assert control over estate property.
39. However, equally important is the principle that administration of an estate must be carried out lawfully and without resort to self-help, intimidation or destruction of property. Even where a beneficiary is in

wrongful occupation, the law does not permit other beneficiaries or administrators to take the law into their own hands. In the premises, the Court finds as follows: -

- a. The Applicant's claim to lawful occupation is weakened by inconsistencies and the fact that her occupation is tainted by prior findings of contempt of court.
- b. However, the Applicant has placed before the Court sufficient material to demonstrate that there have been acts of interference and confrontation involving some beneficiaries.
- c. While such acts do not elevate her claim to a legally protectable proprietary right, they do justify the Court's limited intervention to prevent disorder and preserve the estate pending lawful administration.

40. It is also critical for this Honourable Court to discuss **the impact of the proceedings before the Environment and Land Court**. The Applicant has instituted proceedings before the Environment and Land Court (ELC) asserting claims over the same parcels of land, including adverse possession. While the ELC has jurisdiction over questions of title and land ownership, this Court retains jurisdiction over the administration of estates under the Law of Succession Act. The existence of parallel proceedings does not confer any interim proprietary rights on the Applicant, suspend the effect of this Court's judgment or justify interference with the administrators' statutory mandate.

41. Further, the Applicant's conduct suggests an attempt to pursue multiple and inconsistent remedies across different fora. Such multiplicity of proceedings risks abuse of the court process and may lead to conflicting decisions. Until and unless the ELC determines otherwise, the position remains that the suit properties form part of the estate and are subject to administration by the Petitioners under the supervision of this Court.

Whether an order for accounts ought to issue.

42. The record shows that this Court, by orders issued on 29th September 2015 and 28th October 2015, directed the Applicant to render a full and true account of rent collected from the estate properties. There is credible evidence that the Applicant collected rent from the suit properties; she did not fully comply with the order to render accounts and she continued to deal with the properties in a manner inconsistent with the Court's directives.

43. Under Section 83 of the Law of Succession Act, administrators are under a duty to account. Equally, any person who intermeddles with estate property must account for such dealings. The Court cannot ignore non-compliance with its prior orders. To do so would render those orders nugatory. The law is very clear that a party whom a court order is directed to by a competent court has no choice other than to first comply with the order even if to the party the order is irregular or before taking any step, if not sure of the import of the court order, the party is supposed to rush back to court and explain its difficulties in complying with the particular court order but not to disregard the order. In **Trusted Society of Human Rights Alliance Vs Cabinet Secretary for Devolution and Planning & 3 others [2017] eKLR** the court held as follows: -

"The Court does not, and ought not to be seen to make orders in vain; otherwise the Court would be exposed to ridicule, and no agency of the constitutional order would then be left in place to serve as a guarantee for legality, and for the rights of all people. A Court order is binding on the party against whom it is addressed and until set aside remains valid and is to be complied with"

44. The law is very clear on the duties of Administrators appointed under section 66 as read with section 83 of the Law of Succession Act. Essentially, any Administrator who covenants to administer the estate of a deceased person is presumed to have taken oath to fulfill or to perform the following duties;

83. Duties of personal representatives

Personal representatives shall have the following duties—

(a) to provide and pay, out of the estate of the deceased, the expenses of a reasonable funeral for him;

(b) to get in all free property of the deceased, including debts owing to him and moneys payable to his personal representatives by reason of his death;

(c) to pay, out of the estate of the deceased, all expenses of obtaining their grant of representation, and all other reasonable expenses of administration (including estate duty, if any);

(d) to ascertain and pay, out of the estate of the deceased, all his debts;

(e) within six months from the date of the grant, to produce to the court a full and accurate inventory of the assets and liabilities of the deceased and a full and accurate account of all dealings therewith up to the date of the account;

(f) subject to section 55, to distribute or to retain on trust (as the case may require) all assets remaining after payment of expenses and debts as provided by the preceding paragraphs of this section and the income therefrom, according to the respective beneficial interests therein under the will or on intestacy, as the case may be;

(g) within six months from the date of confirmation of the grant, or such longer period as the court may allow, to complete the administration of the estate in respect of all matters other than continuing trusts, and to produce to the court a full and accurate account of the completed administration.

(h) to produce to the court, if required by the court, either of its own motion or on the application of any interested party in the estate, a full and accurate inventory of the assets and liabilities of the deceased and

a full and accurate account of all dealings therewith up to the date of the account;

(i) to complete the administration of the estate in respect of all matters other than continuing trusts and if required by the court, either of its own motion or on the application of any interested party in the estate, to produce to the court a full and accurate account of the completed administration.

45. In the circumstances, an order compelling the Applicant to render a full account of all rent and income collected from the estate properties is not only justified but necessary to ensure transparency, accountability and fairness to all beneficiaries.
46. It is time this Court reminds Kenyans that unlike other branches of law adjudication of succession disputes ride on the principles of inclusivity and participation by each member of the family to the estate and from the word go one can describe them as responsive to the diverse needs of the family. There is a notion held by members of the same family that they deserve some level of recognition on inheritance rights in comparison with other members in the same lineage. During the drafting of the Act way back in 1981 the Legislature recognize the role to be played local administration under the leadership of the locational and sub-locational headed by the Chiefs and Assistant Chiefs respectively. There is no succession cause which can be initiated without an introduction letter from the area Chief or Assistant Chief. It is at this stage there is a duty for the Chiefs to facilitate participation of the family members as they identify themselves as in need of securing grant of letters of administration in relation to the estate with key pillars of positively providing the inventory of the beneficiaries under Section 29 of the Act and the free net estate of the deceased. This branch of law notwithstanding the importance of the doctrine of inclusivity and family participation it has become an area of law where there is an abuse of

human rights within the same family members. Incidentally the law on distribution of the estate be it in a monogamous or polygamous lineage as embodied under Sections 35, 36,37, 38, 40 and 41 of the Act there is no ambiguity. What is ambiguity in law particularly in succession matters? It may occur when terms or words of a Statute are reasonably susceptible to more than one interpretation leading to irresolvable differences in understanding. In interpretation of other Statutes Courts often deal with two main types of ambiguity: patent ambiguity (obvious on the face of the document) and latent ambiguity (hidden, arising only when applying language to the facts). There is no lack of clarity in the law of Succession Act to motivate Administrators and beneficiaries to continue filing multiplicity of applications expecting to get different results than the ones expressly provided for under the above cited statutory provisions.

47. In light of the above findings and in the interest of justice, the following orders shall abide: -

- a) *That the prayer for an injunction granting the Applicant exclusive or protected occupation of LR No. Uasin Gishu/Kimumu/1365 is declined.*
- b) *That in order to preserve order and prevent unlawful interference with estate property, the Court hereby directs that: -*
 - a. *The Petitioners/Administrators and all beneficiaries shall refrain from acts of self-help, including destruction of property, forcible entry, locking of premises, or intimidation of any person on the suit property.*
 - b. *Any disputes regarding occupation or access to estate property shall be addressed strictly through lawful processes under the supervision of this Court.*
- c) *That the Petitioners/Administrators shall continue to manage the estate in accordance with Section 83 of the Law of Succession Act,*

including collection of rent and preservation of the estate, without resorting to unlawful or forceful measures.

- d) That the 1st Objector/Applicant shall, within forty-five (30) days, render a full and true account of all rent and income collected from Uasin Gishu/Kimumu/1364; Uasin Gishu/Kimumu/1365 and Eldoret Municipality Block 16 (Kamukunji) 349, from 29th September 2015 to date, supported by documentary evidence and certified by a qualified accountant.*
- e) That in default of compliance with Order (d) above, appropriate enforcement proceedings shall issue.*
- f) That for avoidance of doubt, no beneficiary shall assert exclusive possession or ownership over any estate property pending distribution and any such conduct shall attract sanctions.*
- g) That there shall be a status conference on **3rd June 2026** to confirm compliance with the aforesaid orders.*
- h) That I make no orders as to the costs this being a family matter.*

48. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT ELDORET VIA CTS THIS 4TH MAY
2026**

.....
**R. NYAKUNDI
JUDGE**