



In re Estate of Catherine Ashiemi Andanje alias Catherine Ashiemi (Deceased) (Probate & Administration E750 of 2024) [2025] KEHC 625 (KLR) (Family) (31 January 2025) (Ruling)

Neutral citation: [2025] KEHC 625 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
PROBATE & ADMINISTRATION E750 OF 2024
H NAMISI, J
JANUARY 31, 2025
IN THE MATTER OF THE ESTATE OF CATHERINE ASHIEMBI
ANDANJE ALIAS CATHERINE ASHIEMBI (DECEASED)**

IN THE MATTER OF

**JAMAL RICHARD KIMANI 1ST PETITIONER
CAROLYNE TRUPHENA ANDANJI 2ND PETITIONER
TAHIYAH KHALFAN 3RD PETITIONER
TAQUIYAH KHALFAN 4TH PETITIONER**

RULING

1. The Deceased herein passed away on 13 November 2022 in Nairobi. She died intestate. The Petitioners have presented an Amended Petition for Special Limited Grant dated 9 December 2024. The same is presented in their capacity as the surviving children and sister of the Deceased, respectively.
2. Prior thereto, the Petitioners had presented a similar Petition dated 10th September 2024, which was subsequently amended. The Petition is supported by an Affidavit by the 1st and 2nd Petitioners in which they aver that prior to her demise, the Deceased operated several businesses under the names Goodlife Investments Limited, Century Images Limited and Hanifa Faulu Limited, from which income she supported and catered for the upkeep of her children. The 3rd Petitioner is a student enrolled at BOMA College, while the 4th Petitioner is enrolled at Daystar University. It was the evidence of the 1st Petitioner that the 3rd and 4th Petitioners have been unable to continue with their education due to financial constraints. Counsel for the Petitioners submitted that the current fee required for both 3rd and 4th Petitioners is Kshs 500,000/-.
3. Additionally, the 1st Petitioner informed the Court that there are accrued taxes in respect of the three companies, which amount to about Kshs 800,000/=. Counsel submitted that a total sum of Kshs



- 1,200,000/- should be able to cater for the educational needs, the accrued taxes as well as the upkeep of the 1st, 3rd and 4th Petitioners. In the premise, the Petitioners pray to access the Deceased's bank account held at Equity Bank, JKIA Branch with a view to obtaining monies to be able to settle these payments.
4. The Petitioners have provided a letter from the Chief, Butere Location indicating the 3 Beneficiaries, that is the 1st, 3rd and 4th Respondents, respectively. Attached to the Petition are the copies of the Fee Structure for BOMA college and Daystar University.
 5. Sections 54 and 67 (1) of the *Law of Succession Act*, Cap 160 of the Laws of Kenya and Rule 36 of the Probate and Administration Rules provide the circumstances under which a Special Limited Grant may be issued by the Court.
 - (54) A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act.
 - (67) (1) No grant of representation, other than a Limited Grant for Collection and Preservation of Assets, shall be made until there has been published notice of the application of such grant, inviting objections thereto to me made known to the court within a specified period of not less than thirty days from the date of publication, and the period so specified has expired.
 - (36) (1) Where, owing to special circumstances the urgency of the matter is so great that it would not be possible for the court to make a full grant of representation to the person who would by law be entitled thereto in sufficient time to meet the necessities of the case, any person may apply to the court for the making of a grant of administration ad colligenda bona defuncti of the estate.
 6. I have considered the Application and attachments. I have also considered that the size of the estate has not been fully established. The authority to access the money in the accounts should be limited to the education costs and accrued taxes as enumerated in the Application.
 7. In order to preserve the assets of the estate, the access granted to the Applicants shall be limited to Equity Bank, JKIA Branch Account number 1760*****316, and for the amount presently required which is Kshs 1,200,000/=. Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
 8. In summary, I invoke the powers vested in this Court by Rule 73 of the *Probate and Administration Rules* and make the following orders:-
 - i. That a Special Limited Grant be and is hereby issued to the Petitioners only for purposes of settlement of the fees to BOMA College, Daystar University and Kenya Revenue Authority;
 - ii. That a sum of Kshs 1,200,000/= held in the Deceased's Equity Bank Account number 1760*****316 at its JKIA Branch, be paid to the Petitioners;
 - iii. This being a family matter, I make no orders on costs.
 9. The Manager of Equity Bank Ltd, JKIA Branch shall be served with this Order for compliance.

DATED AND DELIVERED AT NAIROBI THIS 31 DAY OF JANUARY 2025

HELENE R. NAMISI



JUDGE

Delivered on virtual platform in the presence of:

Mr. Mugambifor the Petitioners

Libertine Achieng Court Assistant

