



**In re Estate of Esther Ngonyo Waweru alias Ngonyo Francis (Deceased) (Succession Cause E3153 of 2022) [2025] KEHC 5072 (KLR) (Family) (30 April 2025) (Directions)**

Neutral citation: [2025] KEHC 5072 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE E3153 OF 2022  
HK CHEMITEI, J  
APRIL 30, 2025**

**BETWEEN**

**LUCY WANGARI WAWERU ..... 1<sup>ST</sup> APPLICANT  
ALICE NYAWIRA ..... 2<sup>ND</sup> APPLICANT  
JOHN NGONJO ..... 3<sup>RD</sup> APPLICANT  
NANCY WAMBUI ..... 4<sup>TH</sup> APPLICANT**

**AND**

**PATRICK NJUGUNA WAWERU ..... 1<sup>ST</sup> RESPONDENT  
PATRICIA MUTHONI WAWERU ..... 2<sup>ND</sup> RESPONDENT  
LUCY WANGARI WAWERU ..... 3<sup>RD</sup> RESPONDENT**

**DIRECTIONS**

1. The court gave directions that parties file their responses to the application for confirmation of grant dated 20<sup>th</sup> December 2023.
2. Indeed, I have perused the affidavits of protest dated 31<sup>st</sup> May 2024, 8<sup>th</sup> July 2024 and 19<sup>th</sup> September 2024.
3. The said protests raise weighty issues which cannot be dealt with by way of affidavit evidence alone so as to have a meaningful distribution of the estate herein. Although the siblings are directly children and grandchildren of the deceased it appears that there are issues relating to the manner of distribution of the same among others.



4. Most significantly is the issue relating to land parcels number Dagoretti/Riruta and one Patrick Njuguna Waweru. Oral evidence shall suffice.
5. Consequently, I direct that:-
  - (a) The application dated 20<sup>th</sup> December 2023 be determined by way of viva voce evidence where the Respondents shall be the Plaintiffs and the Applicants the Defendants.
  - (b) The parties are hereby granted 30 days to file and exchange any documents and or witness statements.
  - (c) Costs shall be in the cause
  - (d) A hearing date on priority basis be taken at the registry.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**H K CHEMITEI**

**JUDGE**

