



REPUBLIC OF KENYA



**In re Estate of Charles Muchemi Mutugi (Deceased) (Probate & Administration
E001 of 2023) [2025] KEHC 8953 (KLR) (Family) (25 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8953 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
FAMILY
PROBATE & ADMINISTRATION E001 OF 2023
KW KIARIE, J
JUNE 25, 2025
IN THE MATTER OF THE ESTATE OF:
CHARLES MUCHEMI MUTUGI..... DECEASED**

BETWEEN

JULIUS MUTUGI MUCHEMI APPLICANT

AND

GEOFFREY GICHOGO MUCHEMI 1ST ADMINISTRATOR

DAVID NDIRITU MUCHEMI 2ND ADMINISTRATOR

RULING

1. Charles Mutugi Muchemi, the objector in this case, opposes the distribution method proposed by the administrators. He has raised the following grounds:
 - a. Their father had indicated that the farm Nyandarua / Muruaki /332, after the deduction of the main house plot (1 Acre), would remain common property for all beneficiaries to utilize for farming.
 - b. The family had agreed to share the parcel, but not as per the sketch map attached by the administrators in the summons to confirm the grant.
 - c. There was an agreement that the trees would be counted and shared equally. However, the proposed mode of distribution indicates that the area where the trees are is to be considered as road frontage plots, which will be divided equally among the eleven (11) beneficiaries.



- d. The family will share the middle plots equally among all the beneficiaries, but this would now make the plots smaller than they would originally have been if we had subdivided as per the original sketch map.
2. The respondents disagreed with the objector and gave the following reasons:
 - a. That the mode of distribution was agreed upon in the last beneficiaries' meeting convened by the administrators on 8th June 2024. This gives an equitable distribution of trees along the road by dividing the zone into 11 equal plots of ½ an acre.
 - b. The wishes of the deceased as presented by the objector cannot be authenticated as the wishes of the deceased, as they were presented long after his death.
 - c. The administrator's proposal for distribution is based on equality and equity, and the road frontage is considered an important resource and factor in the said distribution.
 - d. The objector has neglected to discuss with the administrators what he considers a fair distribution, and further, that the administrators are willing to accommodate his opinion on his share and consolidate it into one parcel as much as possible.
 3. Charles Muchemi Mutugi, the deceased herein, died intestate. When a person has died intestate, their estate is distributed as such. The objector cannot claim that the wishes of the deceased were disregarded.
 4. I have looked at the administrators' proposed distribution mode and the objector's proposal. The administrator contend that the family agreed upon their mode of distribution. The administrator's mode is reasonable and caters to the interests of all beneficiaries. The equitable distribution cannot be disturbed merely because the objector is unsatisfied.
 5. The protest is dismissed. Each party is to meet its costs

DELIVERED AND SIGNED AT NYANDARUA THIS 25TH DAY OF JUNE 2025

KIARIE WAWERU KIARIE

JUDGE

