



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Chinjigu Kainika (Deceased) (Succession Cause  
E584 of 2020) [2025] KEHC 12458 (KLR) (3 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 12458 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
SUCCESSION CAUSE E584 OF 2020  
SN RIECHI, J  
SEPTEMBER 3, 2025  
IN THE MATTER OF THE ESTATE OF CHINJIGU KAINIKA (DECEASED)**

**JUDGMENT**

1. The deceased Chinjigu Kainika died on 18<sup>th</sup> August, 2017 at Ladna Hospital at the age of 85 years old. By Chief's letter dated 1<sup>st</sup> June, 2020 the chief of Kiru Location. It was confirmed that the deceased had 3 wives. Emily Njoki (1<sup>st</sup> Wife) Deceased, Esther Njeri (2<sup>nd</sup> wife) and Ann Wanjiku (3<sup>rd</sup> wife). The three wives had the following children: -
  - a. Emily Njoki – First Wife – Deceased
    - i. Wilson Muchiri
    - ii. Jack Wagana
    - iii. Stephen Kamamia
    - iv. Timothy Mukuha
  - b. Esther Njeri – Second Wife
    - i. Wilfred Muchiri
    - ii. Moses Kirathe
  - c. Ann Wanjiku – Third Wife
    - i. Beth Wanjiru
    - ii. Beth Wangari
    - iii. Kennedy Muchiri
2. The petition for grant of probate was lodged by and granted to Ann Wanjiru Chinjigu, Lincoln Mwangi Wagaha and Ester Njeri Chinjigi on 21<sup>st</sup> January, 2021.



3. The executors then filed summons for confirmation dated 8<sup>th</sup> March, 2023. In the affidavit of support they averred that the deceased was survived by the following beneficiaries.

First Family

- a. Jackson Wagana Mainah - Son
- b. Stephen Kamamia Maina - Son
- c. Alice Wanjugu Mukuha - Daughter-in-law
- d. Lincoln Mwangi Wagana - Grandson
- e. Nancy Wairimu Chinjigu - Daughter
- f. Dennis Maina Muchiri - Grandson
- g. George Maina Muchiri Kairika - Grandson
- h. Martin Jackson Wagana Muchiri - Grandson
- i. Lawrence Gatubu Muchiri - Grandson

Second Family

- j. Esther Njeri Chinjigu - 2nd wife
- k. Wilfred Muchiri Chijigu - son
- l. Jane Gachambi Kagiri - Daughter-in-law
- m. Simon Kamau Muchiri - Grandson

Third Family

- n. Anne Wanjiku Chinjiku - 3rd wife
- p. Kennedy Muchiri Chinjigu - Son
- q. Betty Wangari Njau - Daughter

4. The full inventory of the assets of the estate as per the will are:

Assets

- i. Kiambuthia/Loc. 14 Plot No.680 In Kairo Sub-Location, Murang'a District
- ii. Plot No. 36/Vii/767 Eastleigh, Kirongothi Street
- iii. L.R. No. 2107 Umbui Village, Kiru Location, Murang'a District
- iv. Eastleigh Plot No. 36/Vii/345
- v. Kariobangi Marura Plot No. 8285/292
- vi. Shares In Juja Road Business Centre, Plot No. 2209/3271/20 - Juja Road
- vii. Plot No. Ruiru Kiu Block 8/562
- viii. Plot No. 46 In Nyandarua District
- ix. Shares in Nairobi/Block 119/2559
- x. Plot No. 25 in Githurai



- xi. Plot No. 229, Nyahururu
  - xii. Shares - Raiciri Investments Ltd Plot No.209/2746
5. They therefore, prayed that the grant be confirmed as per the will. This position was supported by:
- House of Emily Njoki
- 1. Alice Wanjiku Muhia
  - 2. Dennis Maina Muchiri
- House of Esther Njeri
- 1. Jane Gatheya kagiri
  - 2. Esther Njeri
- House of Ann Njoki
6. Stephen Kamamia Maina filed affidavit to protest dated 2<sup>nd</sup> may, 2023 stating that he does not agree to the distribution indicated in the affidavit of support as it is at variance with the contents of the will. He argues this court to order that the content of the will be..... In his protest, he contends that the share in Juja Road Business Centre Plot No. 209/3271/20 – Juja Road be given to Jack Wagana 50%, Stephen Kamamia – 50%
7. From the response of the administrators and Stephen Kamamia the protester, it is agreed that the deceased died testate. He left a will dated 26<sup>th</sup> august, 2016 drawn by Mwaniki Gachoka & co. Advocates and signed by the deceased and witnessed by Mary Wachani and Everline Muchemi. The validity of the will has not been challenged and I, therefore do find that the deceased died having left a valid will.
8. Where a deceased has left a valid written will, this court will distribute the estate as per the written will. This court will not except in exceptional circumstances interfere with the testamentary freedom of the testator in the distribution of his property as stated in the will.
9. The only issue is the manner appears to be the distribution of shares held by deceased in Juja Road Business Centre, which Stephen Kamamia contends should be distributed to him and Jack Wagana and which the executors have proposed and distribute as follows:



No.	Assets	Beneficiary	Share
	Kiambuthia Loc. 14. Plot No. 680 in Kairo Sub-location, Muranga District	Wilfred Muchiri Moses Kirathe	Equal
	Plot No. 36/VII/767 Eastleigh, Kirongothi Street	Wilfred Muchiri Kennedy Muchiri Moses Kirathe	Equal
	L.R. No. 2107 Umbui Village, Kiru Location, Muranga District	Wilson Muchiri Stephen Kamamia, Alice Wanjugu Mukuha Denis Maina Muchiri	1.25 Acres 1.25 Acres 0.25 Acres Matrimonial House
	Eastleigh Plot no. 36/ VII/345	Ann Wanjiku Rose Wanjiru Beth Wangari Kennedy Muchiri	Equal
	Kariobangi Marura Plot No. 8285/292	Ann Wanjiku Rose Wanjiru Beth Wangari Kennedy Muchiri	Equal
	Shares in Juja Road Business Centre, Plot no. 209/3271/20 – Juja Road	Jack Wagana Lincoln Mwangi Michael Maina Emily Njoki Wilson Muchiri Kelvin Gathogo Stephen Kamamia Sylvia Nyambura Mark Maina	Equal
	Plot no. Ruiru Kiu Block 8/562	Alice Wanjugu Mukuha	Whole



	Plot No. 46 in Nyandarua District	Jack Wagana	Whole
	Shares in Nairobi/Block 119/2559	Alice Wanjugu Mukuha	Whole
	Plot No. 25 in Githurai	Wilfred Muchiri Moses Kirathe Lincoln Mwangi Wagana	Equal
	Plot No. 229 Nyahururu	Simon Kamau Muchiri Lincoln Mwangi Wagana Kennedy Muchiri	1 Acre 1 Acre 1.5 Acres
	Shares – Raiciri Investments Ltd Plot No. 209/2746	Jack Wagana	Whole
	Joint Account with Ann Wanjiku	Ann Wanjiku	Whole
	Joint Account with Esther Njeri Chinjigu	Esther Njeri Chinjigu Jane Gachambi Kirathe	Equal

10. Clause 7 of the written will states:

“I give my shareholding in a company known as Juja Road Business Centre Plot No. 209/3271/20 – Juja Road to Jack Wagana and Stephen Kamami together with their children.”

11. A plain reading of this clause indicates that the property was to be distributed to Jack Wagana and his children 50% and Stephen Kamamia and his children 50%. The executors have liberty to hand the children of Jack Wagana and Stephen Kamamia respectively if they are of age. Those children will receive their share from the 50% awarded to their father.
12. I, therefore, find that the deceased died leaving behind a valid written will and confirm the estate to be distributed as per the written will dated 26<sup>th</sup> August, 2016.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 3<sup>RD</sup> DAY OF SEPTEMBER, 2025.**

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**S N RIECHI**



**JUDGE**

