**Kamau v Wanja and another**

**Division:** High Court of Kenya at Nairobi

**Date of judgment:** 17 December 1973

**Case Number:** 8/1973 (75/74)

**Before:** Kneller J

**Sourced by:** LawAfrica

*[1] Customary Law – Kikuyu custom erasing marriage with deceased – Whether repugnant to justice*

*and morality – Judicature Act* (*Cap.* 8) *s.* 3 (2) (*K.*)*.*

**Editor’s Summary**

The infant respondents claimed from the appellant money which they alleged he held on trust for them. The money had belonged to the appellant’s son, the respondents’ father who had died. The mother of the infants had left the appellant’s home and returned to her father with the children. All the customary payments were being returned and this meant that the relationship between the respondents’ mother and the family of the deceased came to an end. The magistrate held that the money was held on trust for the respondents and that the rules of Kikuyu customary law were repugnant to justice and morality.

On appeal:

**Held –** the Kikuyu customary law is not repugnant to justice and morality.

Appeal allowed.

**No cases referred to in judgment**