



REPUBLIC OF KENYA



**In re Estate of the Late Christine Mithiri Mbugua (Deceased) (Succession Cause 1493 of 2019) [2024] KEHC 15449 (KLR) (Family) (25 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 15449 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 1493 OF 2019  
EKO OGOLA, J  
JUNE 25, 2024**

**IN THE MATTER OF THE ESTATE OF THE LATE  
CHRISTINE MITHIRI MBUGUA (DECEASED)**

**BETWEEN**

**DANIEL MWANGI MBUGUA ..... PETITIONER**

**AND**

**ISAAC GICHIA MBUGUA ..... 1<sup>ST</sup> RESPONDENT**

**JOSEPH MBAI MBUGUA ..... 2<sup>ND</sup> RESPONDENT**

**ELIZABETH WANJIKU MBUGUA ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. The first is a Petition for Letters of Administration intestate dated 17<sup>th</sup> December 2019. It was filed by Daniel Mwangi Mbugua who prayed to be appointed as an administrator of the deceased estate in his capacity as a surviving son.
2. The second application is dated 4<sup>th</sup> May 2020. It was filed by the respondents who prayed for the following orders:-
  - a. Spent;
  - b. That the grant of letters of administration intestate made in favor of Daniel Mbugua Mwangi on behalf of the estate of the late Christine Mithiri Mbugua vide gazette Notice No. 848, volume CXXII of 3rd April 2020 be revoked;



- c. That in the alternative to prayer (b) above, Gladys Wangare Mbugua, Isaac Gichia Mbugua and Elizabeth Wanjiku Mbugua be included as co-administrators of the estate of the late Christine Mithiri Mbugua;
  - d. That temporary injunction do issue restraining the respondent, his servants and/or agents or any person whatsoever from selling, leasing out, cultivating, subdividing, transferring or otherwise disposing of the deceased properties pending the hearing and determination of this application;
  - e. That costs of this application be in the cause.
3. The third application is dated 19<sup>th</sup> July 2022. It was filed by Elizabeth Wanjiku Mbugu who prayed for the following orders:-
- a. Spent;
  - b. That the honorable court be pleased to appoint Isaac Gichia, Joseph Mbai and/or Daniel Mwangi as administrators;
  - c. That the honorable court do direct that letters of administration to the estate be issued forthwith to facilitate the orders below;
  - d. That the honorable court be pleased to authorize a partial confirmation of the monies being held at Stanbic Bank, under the name Christine Mithiri Mbugua (deceased)
  - e. That the court be pleased to give such further or better reliefs as it may deem fit and just to.
  - f. That the costs of this application be provided for.
4. To put matters into context, the deceased died intestate on 6<sup>th</sup> April 2017. He was survived by 6 children namely; Daniel Mwangi Mbugua, Gladys Wangare Mbugua Ndolo, Isaac Gichia Mbugua, Joseph Mbai Mbugua, Catherine Wanjiru Mbugua, and Elizabeth Wanjiku Mbugua.
5. The 3<sup>rd</sup> respondent in her affidavit dated 4<sup>th</sup> May 2020 deposed that his brother, the petitioner, petitioned the court for the grant of letters of administration without the consent of the other beneficiaries. She believes there is an imminent danger that the estate will be wasted and the other beneficiaries disinherited.
6. The issue for determination is the appointment of administrators. It must be noted that all the surviving children of the deceased rank equally to each other. Issues of age or gender shall not be taken into consideration.
7. Counsel to the petitioner during her oral submissions proposed that the administrators should be Daniel Mwangi Mbugua, Gladys Ndolo, Christine Mitheri, and Tristine Mbugua. The petitioner disagreed with Isaac Gichia Mbugua and Joseph Mbai Mbugua being administrators. The reason is that according to the petitioner, they have threatened and endangered the lives of the other beneficiaries.
8. The court noted that Christine Mitheri and Tristine Mbugua declined to be appointed administrators. Therefore, they cannot be considered.
9. The 1<sup>st</sup> respondent through her counsel proposed Isaac Gichia Mbugua, Joseph Mbai Mbugua, Gladys Wangari Mbugua, and Daniel Mwangi Mbugua as administrators. It was submitted that Elizabeth Wanjiku Mbugua has renounced her claim to be an administrator.



10. The 3<sup>rd</sup> respondent in her application dated 19th July 2022 proposed Isaac Gichia, Joseph Mbai Mbugua and Daniel Mwangi Mbugua to be administrators.
11. From the foregoing, the consensus is that Daniel Mwangi Mbugua be appointed as administrator. The other administrators will be Gladys Wangare Mbugua Ndolo, Isaac Gichia Mbugua, and Joseph Mbai Mbugua. I hereby direct Grant of Letters of Administration is issued to the four administrators.
12. I make the following orders:-
  - a. The upshot is that the Petition for Letters of Administration intestate dated 17<sup>th</sup> December 2019 is hereby dismissed.
  - b. The grant of letters of administration intestate made in favour of Daniel Mbugua Mwangi on behalf of the estate of the late Christine Mithiri Mbugua vide gazette Notice No. 848, volume CXXII of 3<sup>rd</sup> April 2020 is hereby revoked.
  - c. This court appoints Daniel Mwangi Mbugua, Gladys Wangare Mbugua Ndolo, Isaac Gichia Mbugua, and Joseph Mbai Mbugua as administrators.
  - d. Grant of letters of administration be issued.
  - e. Prayer (d) of the application dated 19<sup>th</sup> July 2022 is dismissed.
  - f. Costs be in the cause.

Orders accordingly.

**DATED AND DELIVERED AT NAIROBI THIS 25<sup>TH</sup> DAY OF JUNE 2024**

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**E.K. OGOLA**

**JUDGE**

In the presence of:

Ms. Wambuga for the Petitioner

3<sup>rd</sup> Respondent in person

Ms. Kiage for Respondents

Ms Gisiele M court Assistant

