



**In re Estate of the Late Josiah Muli Wambua (Deceased) (Succession Cause 2557 of 2012) [2024] KEHC 9965 (KLR) (Family) (31 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 9965 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 2557 OF 2012  
HK CHEMITEI, J  
JULY 31, 2024  
IN THE MATTER OF THE ESTATE OF THE LATE JOSIAH MULI WAMBUA (DECEASED)**

**IN THE MATTER OF  
HAPPY KOKI WAMBUA ..... 1<sup>ST</sup> APPLICANT  
MARY WAENI WAMBUA ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. In their application dated 8<sup>th</sup> May 2018 the Applicants Happy Koki Wambua and Mary Waeni Wambua prayed for several orders. Most of the prayers in the passage of time have been dealt with or abandoned. The substantive prayer therefore is seeking that the grant issued to them on 28<sup>th</sup> March 2017 be confirmed.
2. The parties as can be deduced from the records proceeded to mediation where they were able to record a consent on 31<sup>st</sup> May 2024 and filed in court on 19<sup>th</sup> June 2024.
3. The only hiccup in the said consent was that one of the beneficiaries Janet Kanini Weru failed to endorse the consent and from the affidavits of service on record indicated in the emails from the advocates that “I have opted out of inheritance case”.
4. It appears nonetheless that by the time she was intimating her wish the beneficiaries had already agreed to share out the estate and taken care of her situation. Consequently, and despite her sentiments her share of the estate is still available.
5. In the premises and taking into consideration the history of this matter and the period the parties have taken in the corridors of justice and more specifically that the said beneficiary has not been left out it is necessary that the grant be confirmed. The estate must be allowed to move on.



6. In any case the said beneficiary can deal with her share in whatever manner she will desire when the grant is executed. The said consent for avoidance of doubt is adopted as the consent of the court.
7. The application dated 8<sup>th</sup> May 2018 is therefore allowed in terms of prayers seven (7) thereof and the grant be confirmed as per the schedule attached to the consent dated 31<sup>st</sup> May 2024 and filed on 19<sup>th</sup> June 2024.
8. Costs shall be in the cause.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 31<sup>ST</sup> DAY OF JULY 2024.**

**H K CHEMITEI**

**JUDGE**

