



**In re Estate of Mbau Kinyuru alias Mbau Kinyuru Njuguna (Deceased) (Succession Cause 144 of 2017) [2023] KEHC 17942 (KLR) (31 May 2023) (Directions)**

Neutral citation: [2023] KEHC 17942 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
SUCCESSION CAUSE 144 OF 2017**

**CM KARIUKI, J**

**MAY 31, 2023**

**IN THE MATTER OF THE ETATE OF MBAU KINYURU ALIAS  
MBAU KINYURU NJUGUNA (DECEASED)**

**BETWEEN**

**JONATHAN NJUGUNA MBAU ..... APPLICANT**

**AND**

**RACHAEL NJOKI MBAU ..... RESPONDENT**

**AND**

**GRACE WANJIKU ..... BENEFICIARY**

**JANE NJERI ..... BENEFICIARY**

**TERESIA WAIRIMU ..... BENEFICIARY**

**RAHAB MUTHONI ..... BENEFICIARY**

**LILIAN WAMBUI ..... BENEFICIARY**

**RUTH WANJIRU ..... BENEFICIARY**

**FRANCIS MUCHIRI ..... BENEFICIARY**

**MARY NJOKI ..... BENEFICIARY**

**DIRECTIONS**

1. After going through the record, I note that; By consent order on September 24, 2019 Jonathan Njuguna Mbea (Petitioner) and Rachael Njoki (Objector).
2. It was agreed by consent both to be appointed as Administrators of estate of Mburu Kinyuru Njuguna.



3. By this court's ruling/judgment delivered on July 28, 2022, the court declined to set aside the consent order foresaid.
4. Subsequently the court in a ruling of December 20, 2022 rejected to re-entertain issue of prayer 5 in application which impugned consent order aforesaid in vain.
5. The consequently the two of the consent which remains valid and can only be impugned via an appeal against this court's refusal to set aside the same.
6. To entertain on a via voce evidence on legal issue of the aforesaid matter is a of the consent of September 24, 2019 is the grants which was followed by the confirmation of grant.
7. The applicant now seek to revoke the grant issued vide consent of September 24, 2019 and confirmation thereof . The foundation is waste of judicial precious time.
8. The application dated January 24, 2023 shall thus be heard via affidavit and submissions.

**DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 31<sup>ST</sup> DAY OF MAY 2023**

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**CHARLES KARIUKI**

**JUDGE**

