



**In re Estate of Jonathan Mbatia Kieya (Deceased) (Succession Cause 2927 of 1999)
[2022] KEHC 13193 (KLR) (Family) (27 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13193 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 2927 OF 1999
AO MUCHELULE, J
SEPTEMBER 27, 2022
IN THE MATTER OF THE ESTATE OF JONATHAN MBATIA KIEYA (DECEASED)**

BETWEEN

ELIZABETH NJERI MBATIA PETITIONER

AND

PETER KABUI MBATIA 1ST RESPONDENT

ANASTACIA WANJIKU KABUI 2ND RESPONDENT

AND

SIMON THAIRU MBATIA INTERESTED PARTY

JOHN KARIUKI MBATIA INTERESTED PARTY

GLADYS NJERI MBATIA INTERESTED PARTY

MARGRET WANJIRU KUNGU INTERESTED PARTY

JENNIFER WAMBUKU MBATIA INTERESTED PARTY

JANE WANJIRU MBATIA INTERESTED PARTY

NAOMI WAMBUI MBATIA INTERESTED PARTY

RULING

1. In the ruling delivered on March 5, 2018 the estate of the deceased Jonathan Mbatia Kieya was distributed to his widow Elizabeth Njeri Mbatia (petitioner/applicant) and his eight children. The deceased died intestate on May 6, 1999 and his estate comprised Dagoretti/Riruta/4654.



2. In the instant application dated November 26, 2021 the applicant and interested parties Simon Thairu Mbatia, John Kariuki Mbatia, Gladys Njeri Mbatia, Margaret Wanjiru Kungu, Jennifer Wambuku Mbatia, Jane Wanjiru Mbatia and Naomi Wambui Mbatia (who are seven of the deceased's eight children) sought the revocation and/or annulment of the certificate of confirmation that was issued on March 5, 2018 following the distribution of the estate.
3. The application was opposed by the eighth child of the deceased Peter Kabui Mbatia and his wife Anastacia Wanjiku Kabui.
4. It is clear that the applicant and seven of her children did not like the way the court distributed the deceased's estate to the beneficiaries. They are essentially seeking redistribution. They did not appeal the distribution, and have not sought to review the decision of the court. They participated in the proceeding leading to the distribution. Given the facts of the case, the court has no jurisdiction to re-open the distribution of the estate. The court became functus officio as far as the distribution of the estate was concerned.
5. Consequently, I dismiss the application with costs.

DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 27TH DAY OF SEPTEMBER 2022.

A.O. MUCHELULE

JUDGE

