



**In re Estate of the Late Mungai Muigai (Deceased) (Succession Cause
48 of 2013) [2025] KEHC 3301 (KLR) (Family) (20 March 2025) (Directions)**

Neutral citation: [2025] KEHC 3301 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

SUCCESSION CAUSE 48 OF 2013

HK CHEMITEI, J

MARCH 20, 2025

BETWEEN

SAMUEL KARANJA KINUTHIA 1ST APPLICANT

STEPHEN KONGO KINUTHIA 2ND APPLICANT

AND

JACKSON MUIGAI MUNGAI 1ST RESPONDENT

EDITH MUTHONI MUIGAI 2ND RESPONDENT

DIRECTIONS

1. The court has perused the application dated 22nd June 2022 by the applicants seeking among others to revoke the grant issued to the respondents and confirmed on 23rd February 2015. They also seek to issue orders restricting any action in the estates shares and properties.
2. The respondents have filed several affidavits indicating their objection and that the applicants have no right to have the grant revoked.
3. I have perused the said affidavits and they raise factual issues. For example, they argue that there was a meeting that took place on 17th October 1992 and there are minutes to that effect. The said minutes indicates how the deceased desired the estate to be divided.
4. These and many other factual issues cannot be determined by way of affidavits alone. There ought to be oral evidence so that the same can be tested by way of cross examination.
5. In the premises I direct that:-
 - (a) The objection proceedings be determined by way of viva voce evidence.



- (b) The parties are hereby granted leave to file and serve each other with witness statements or affidavits if any within 30 days from the date herein.
- (c) Costs shall await the outcome of the cause.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 20TH DAY OF MARCH 2025.

H K CHEMITEI

JUDGE

