



**In re Estate of Wilfred Akhonya Mutubwa (Deceased) (Probate & Administration  
E151 of 2025) [2025] KEHC 4402 (KLR) (Family) (8 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4402 (KLR)

**REPUBLIC OF KENYA**

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

**FAMILY**

**PROBATE & ADMINISTRATION E151 OF 2025**

**H NAMISI, J**

**APRIL 8, 2025**

**IN THE MATTER OF THE ESTATE OF DR. WILFRED AKHONYA MUTUBWA  
(DECEASED)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR LIMITED GRANT OF LETTERS OF  
ADMINISTRATION AD COLLIGENDA BONA**

**IN THE MATTER OF**

**VIRGINIA WANJIKU NJOKI ..... 1<sup>ST</sup> PETITIONER**

**KENNEDY MWINAMO ASHIMOSI ..... 2<sup>ND</sup> PETITIONER**

**RULING**

1. The Deceased herein, who was an Advocate, passed away on 26 November 2024 in Nairobi. He died intestate. The Petitioners have presented a Petition for Letters of Administration ad colligenda bona dated 14 March 2025 under section 67 of the *Law of Succession Act*. The same is presented seeking that the Grant of Letters of Administration ad colligenda bona be issued to Virginia Wanjiru Njoki And Kennedy Mwinamo Ashimosi and that the same be limited to accessing and obtaining information relating to accounts held by the Deceased at Stanbic Bank, ABSA Bank Kenya and Equity Bank Limited.
2. The Petition is supported by an Affidavit sworn by Virginia Wanjiru Njoki And Kennedy Mwinamo Ashimosi. Virginia Wanjiru Njoki is the widow to the Deceased, while Kennedy Mwinamo Ashimosi is a family friend.
3. Dosiana Olivia Mukwilu, a named Beneficiary and mother to the Deceased, has presented a consent dated 14 March 2025 for the issuance of the limited Grant to the Petitioners. She confirms that she fully



- understands that the same is intended solely for purposes of addressing urgent financial obligations such as rent, utilities, household expenses, medical bills, family upkeep and legal expenses of the Estate.
4. The 1<sup>st</sup> Petitioner appeared before the Court and confirmed that there are 4 beneficiaries of the Estate; herself, two daughters and the Deceased's mother, Dosiana Olivia Mukwilu. She indicated that she requires money for school fees, the medical cover, utilities and household expenses, insurance cover for the family car and legal fees for the Advocate representing her. She stated that she did not know the amount held in the accounts since such information is not forthcoming from the various banks without a grant of representation.
  5. Similarly, Kennedy Mwinamo Ashimosi appeared before the Court. He undertook to provide full accounts for the funds accessed from the various bank accounts
  6. The Petitioners presented a copy of the Certificate of Marriage between the 1<sup>st</sup> Petitioner and the Deceased. In documents presented to this Court, there is a letter dated 25 February 2025 from the Senior Assistant Chief, Parklands Location, Nairobi confirming 4 beneficiaries of the estate. The extent of the estate is yet to be established.
  7. Further, there is a renewal notice from APA insurance for motor vehicle registration number KCP 794B for the period January 2025 to January 2026. The premium amount is Kshs 135,105. A second renewal notice is attached for motor vehicle registration number KDE 999T for the period April 2025 to April 2026.
  8. There is a pro Forma Fee Note from the firm of Munyithya, Mutugi, Umara and Muzna Advocates, representing the Petitioners, for the sum of Kshs 174,000/=.
  9. There is quotation from Old Mutual General Insurance Limited for provision of medical cover for the 2nd Petitioner and her children. The premium amount is Kshs 212,602/=.
  10. There is an invoice dated 7 January 2025 from St. Austin's Academy for Kshs 382,000/=, being school fees for Noelle Mutubwa, one of the listed beneficiaries. Similarly, there is an invoice dated 7 January 2025 from Peponi House for Kshs 785,045/=, being school fees for Nadine Mutubwa for Term 2, 2025.
  11. Sections 54 and 67 (1) of the *Law of Succession Act*, Cap 160 of the Laws of Kenya and Rule 36 of the Probate and Administration Rules provide the circumstances under which a Special Limited Grant may be issued by the Court.
    - (54) A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act.
    - (67)
      - (1) No grant of representation, other than a Limited Grant for Collection and Preservation of Assets, shall be made until there has been published notice of the application of such grant, inviting objections thereto to me made known to the court within a specified period of not less than thirty days from the date of publication, and the period so specified has expired.



case, any person may apply to the court for the making of a grant of administration ad colligenda bona defuncti of the estate.

12. *In Re Estate Of SMM (Deceased)* [2021] eKLR, the Court set out the circumstances under which a Special Limited Grant may be issued as follows:-

“Such Letters of Administration shall authorize the Applicant to do the following acts:

1. Carry out an Inspection and Audit of the firm to ascertain how many files/clients with matters pending are on the firm’s books;
2. Contact those clients and inform them that he will manage and run the firm until such time that it is appropriate to wind it up;
3. Access the Bank Accounts of the firm limited to Client Accounts and Office accounts as set out in the Application;
4. Pay salaries to existing employees of the firm that is those that were employed before the Deceased passed away;
5. Pay outstanding utility bill and overheads including rent and service charges.
6. Wind up the firm within a reasonable period.
7. ....”

13. I have considered the Application and attachments. The amounts in the various accounts are unknown. However, it is clear that there are pressing needs by the family that must be attended to. In order to preserve the assets of the estate, the Letters of Administration ad colligenda bona are hereby issued to the Petitioners and shall be limited to the named bank accounts: Stanbic Bank Account Number 0100XXXXXXXX0482, ABSA Bank Account Number 204XXXXXX9228 and Equity Bank Account Number 047XXXXXXXXX1243.

14. Access shall be limited in the following terms:

- i. The Petitioners shall obtain and furnish the Court with Statements of Accounts for the three named accounts for the last two months. The said statements shall be presented to the Court within 14 days of the date hereof;
- ii. A sum of Kshs 282,967/= to be paid directly from the accounts to APA Insurance for the insurance cover renewals in respect of Motor vehicle registration number KCP 794B and KDE 999T;
- iii. A sum of Kshs 174,000/- to be paid directly to the firm of Munyithya, Mutugi, Umara and Muzna Advocates;
- iv. A sum of Kshs 212,602/= to be paid directly to Old Mutual General Insurance Limited for provision of medical insurance cover for the 1<sup>st</sup> Petitioner, Noelle Mutubwa and Nadine Mutubwa;
- v. A sum of Kshs 382,000/= be paid directly to St. Austin’s Academy in respect of school fees for Noelle Mutubwa;
- vi. A sum Kshs 785,045/= to be paid directly to Peponi House in respect of school fees for Nadine Mutubwa;



- vii. Pending the production of the Statements of Accounts from the various bank accounts, the Petitioners shall have access to a sum of not more than Kshs 200,000/- from each of the three named accounts for purposes of meeting household and other expenses.
15. The said sums shall be considered at the time of the confirmation of the Grant. The Petitioners will be required to present full accounts. Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
16. Costs will be borne by the estate.

**DATED AND DELIVERED AT NAIROBI THIS 8 DAY OF APRIL 2025**

**HELENE R. NAMISI**

**JUDGE**

Delivered on virtual platform in the presence of:

.Ms. Jin .....for the Petitioners

Libertine Achieng .....Court Assistant

