



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Minnie Wanjiku Wangugi (Deceased) (Succession Cause  
1266 of 2008) [2025] KEHC 4154 (KLR) (Family) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4154 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**FAMILY**  
**SUCCESSION CAUSE 1266 OF 2008**  
**HK CHEMITEI, J**  
**APRIL 3, 2025**  
**IN THE MATTER OF THE ESTATE OF MINNIE WANJIKU**  
**WANGUGI (DECEASED)**

**RULING**

1. This ruling relates to the application dated 25<sup>th</sup> March, 2024 filed by John Kuria Wangugi and Elizabeth Njeri Wangugi seeking for orders that:-
  1. The Honourable Court be pleased to Review and/or rectify its judgment dated 20<sup>th</sup> December, 2018 to expunge the names of Joseph Gitau Waweru, Esther Mumbi Waweru, Wanjiru Waweru, Wainaina Waweru and Mary Njeri Waweru from the said judgment.
  2. The costs of the Application be in the cause.
2. The application is supported by affidavit and further affidavit sworn by John Kuria Wangugi and Elizabeth Njeri Wangugi on 25<sup>th</sup> March, 2024. They aver inter alia that they are co-administrators of the deceased's estate.
3. That on 20<sup>th</sup> December, 2018, this Honourable Court issued a judgment regarding an objection raised by the deceased's sons, Timothy Mwaura Wangugi and Kennedy Njuguna Wangugi, who had been excluded from the deceased's Will. The deceased had six children namely: John Kuria Wangugi, Elizabeth Njeri Wangugi, Nellie Wambui Wangugi, Lucy Mwihaki Wangugi, Timothy Mwaura Wangugi and Kennedy Njuguna Wangugi. However, the judgment mistakenly included six additional individuals as beneficiaries, namely: Joseph Gitau Waweru (son), Esther Mumbi Waweru (daughter), Wanjiru Waweru (daughter), Wainaina Waweru (son), Maria Wanjiku Waweru (wife) and Mary Njeri Waweru (wife).
4. Notably, two of these individuals were described as the deceased's wives, even though the deceased was female at the time of death, confirming that their inclusion was an error. This mistake in the judgment has prevented the co-administrators from filing Summons for Confirmation of Grant as directed by



the court, as the grant cannot be confirmed with these errors. All beneficiaries agree that the judgment should be reviewed and corrected

5. The application is unopposed and no written submissions have been filed on it.

### **Analysis and Determination**

6. I have looked at the applications above and the replies thereto and address them as follows:-
7. In the case of *Katiba Institute v Attorney General & 9 others* [2021] KESC 25 (KLR) the court stated as follows:-
  18. Upon noting this court's pronouncement in the decision of *Gideon Konchellah v Julius Lekakeny Ole Sunkuli & 2 others* [2018] eKLR where the Court expressed that: "...[10] Be that as it may, as a court of Law, we have a duty in principle to look at what the application is about and what it seeks. It is not automatic that for any unopposed application, the Court will as a matter of course grant the sought orders. It behooves the Court to be satisfied that prima facie, with no objection, the application is meritorious and the prayers may be granted. The Court is under a duty to look at the application and without making any inferences on facts point out any points of law, such as any jurisdictional impediment, which might render the application a non-starter."
8. Upon perusal of the proceedings herein and in particular the judgement the court agrees with the Applicants that there is an error apparent on the face of the record of the judgment delivered on 20<sup>th</sup> December, 2018 in that it included, at paragraph 1, persons that are not beneficiaries to the deceased's estate. The said persons are Joseph Gitau Waweru (son), Esther Mumbi Waweru (daughter), Wanjiru Waweru (daughter), Wainaina Waweru (son), Maria Wanjiku Waweru (wife) and Mary Njeri Waweru (wife).
10. The application is therefore allowed as prayed.
11. Costs of the application be in the cause.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 3<sup>RD</sup> DAY OF APRIL, 2025.**

**H K CHEMITEI**

**JUDGE**

