



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Mwangi Maithu alias Josephat Mwangi Maitho (Deceased) (Succession Cause 1229 of 2002) [2025] KEHC 8131 (KLR) (Family) (12 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8131 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**FAMILY**  
**SUCCESSION CAUSE 1229 OF 2002**  
**HK CHEMITEI, J**  
**JUNE 12, 2025**  
**IN THE MATTER OF THE ESTATE OF MWANGI MAITHU**  
**ALIAS JOSEPHAT MWANGI MAITHO (DECEASED)**

**IN THE MATTER OF**  
**STEPHEN KIMANI MWANGI ..... 1<sup>ST</sup> APPLICANT**  
**PENINAH WAMBUI MWANGI ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. This ruling relates to the application dated 24<sup>th</sup> February, 2025 filed by Stephen Kimani Mwangi seeking for orders that:
  - a. This honourable court be pleased to set aside and or review the orders issued on 26/11/2024 by the Deputy Registrar Hon. Margaret Kurumbu.
  - b. The chief's letter dated 18/9/2024 filed in court be deemed properly filed and the schedule of allocation of the share of Nellius Waruinu Mwangi be adopted as per the said chief's letter.
  - c. The grant of letters of administration made to Nellius Waruinu Mwangi (Deceased) in this matter on the 26<sup>th</sup> November, 2005 be amended to Stephen Mwangi and Penninah Wambui Mwangi the only surviving beneficiaries and the administrators of the Estate of Mwangi Maitho.
  - d. The certificate of confirmation of grant amended and issued to Nelius Waruinu Mwangi (Deceased) on 5<sup>th</sup> March, 2024 be rectified and the same be issued to Stephen Kimani Mwangi and Peninah Wambui Mwangi.
  - e. The certificate of confirmation of grant be amended and reissued to Stephen Kimani Mwangi and Peninah Mwangi, the surviving administrators of the estate of Mwangi Maitho.



2. The application is based on the grounds on the face thereof and supported by affidavit sworn by Stephen Kimani Mwangi on 24<sup>th</sup> February, 2025.
3. He avers inter alia that he is one of the administrators of the estate of the late Mwangi Maitho. Following the death of the previous administrator, Nelius Waruini Mwangi, an application was filed on 6<sup>th</sup> November, 2023 to revoke her grant of administration. The court granted the application on 5<sup>th</sup> March, 2024 and appointed Stephen Kimani Mwangi and Peninah Wambui Mwangi - the only surviving beneficiaries - as the new administrators.
4. Subsequently, on 27<sup>th</sup> May, 2024, they wrote to the court seeking reissuance of the grant to reflect the change. In response, the court registry, via email on 9<sup>th</sup> July, 2024, requested a distribution schedule showing how Nelius's share would be allocated. They filed a chief's letter confirming the rightful heirs on 18<sup>th</sup> September, 2024. However, on 26<sup>th</sup> November, 2024, they were informed the matter had been dismissed due to a court clearance exercise.
5. The confirmation of grant dated 5<sup>th</sup> March, 2024 was issued with an error - naming the late Nelius as the administrator instead of the new administrators. Now, both current administrators are unwell and urgently need medical attention, which they cannot access due to restrictions caused by the erroneous court orders. Given the death of Nelius, her role in the estate is no longer valid. The grant was revoked accordingly and the current administrators - Stephen and Peninah - should be allowed to continue managing the estate.
6. All beneficiaries have agreed on how Nelius's share should be distributed and a distribution schedule has been submitted. As the only surviving administrators, they are best positioned to continue the administration. Under the Succession Act, and in the absence of any objections, it is fair and lawful for the remaining administrators to proceed. The court is urged to allow the matter to proceed on its merits and to make necessary corrections to facilitate proper estate administration
7. The application is not opposed and there are no written submissions filed.
8. Having perused the said application and in view of the fact that there is no objection the same is hereby allowed as prayed with no order as to costs.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 12<sup>TH</sup> DAY OF JUNE 2025.**

**H K CHEMITEI**

**JUDGE**

