



**In re Estate of Peter Ngugi Wakamau (Deceased) (Succession Cause
720 of 2014) [2025] KEHC 9506 (KLR) (Family) (3 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9506 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 720 OF 2014
HK CHEMITEI, J
JULY 3, 2025
IN THE MATTER OF PETER NGUGI WAKAMAU (DECEASED)**

BETWEEN

MARY WAITHERA WAMBUI PETITIONER

AND

PATRICIA MUTHONI NGUGI RESPONDENT

RULING

1. This ruling relates to the application dated 9th August, 2023 filed by the Applicant, Mary Waithera Wambui, seeking for orders that:
 1. Spent.
 2. The firm of Karanja Muriithi & Co. Advocates LLP, Joska Plaza 2nd Floor, Suite F1 & F2, Joska Town, Off Kangundo Road P.O. Box 386 – 00502, Nairobi be granted leave to come on record for the Petitioner/Applicant.
 3. The court do authorize that Deputy Registrar to sign all the necessary transmission forms on behalf of the Respondent for Nairobi/Block 136/14889 in accordance with the Certificate of Confirmation of Grant.
 4. The court issues an order that the Land Registrar in Nairobi do dispense with the Respondent's passport size photographs, copies of her identity card and KRA Pin certificate.
 5. The court do issue and order that the Land Registrar in Nairobi do dispense with the Respondent's requirement to execute on Ardhisa Platform in respect of transmission of Nairobi/Block 136/14889.



6. The parties bear their costs.
2. The application is based on the grounds thereof and supported by affidavit sworn by Mary Waithira Wambui on 8th August, 2023.
3. She avers inter alia that she is one of the administrators of the deceased's estate, with the certificate of confirmation of grant having been issued on 21st January, 2021. In her attempt to carry out the distribution of the estate as outlined in the grant, she has made efforts to reach the Respondent to sign the transmission forms, without success. The Respondent has either refused and/or failed to provide the necessary details such as their Ardhisasa ID and passport photographs, and has not signed the transmission forms, thereby hindering the estate distribution process. Specifically, the property known as Nairobi/Block 136/14889 must be transferred via the Ardhisasa platform, which requires all administrators to complete LR 39 and 50 forms online. However, this has been challenging due to the respondent's unresponsiveness.
4. The application is unopposed despite being served.

Analysis and Determination

5. I have read the application before this court and address it as follows:
6. Although the application is unopposed, it is the duty of the Court to nevertheless subject it to a merit evaluation in accord with the applicable laws and principles. Indeed, in *Gideon Sitelu Konchellah vs. Julius Lekakeny Ole Sunkuli & 2 others* [2018] eKLR the Supreme Court of Kenya held that:

“...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. We see no such jurisdictional issue in the application before us. Hence we have proceeded to consider the facts before us as against the jurisprudence for grant of stay orders set by this Court...”
7. In light of the foregoing, and considering the time this matter has been in the corridors of justice I allow the application as prayed with no order as to costs.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 3RD DAY OF JULY 2025.

H K CHEMITEI

JUDGE

