



**In re Estate of Stephen Kingangi Mubira (Deceased) (Succession Cause  
367 of 2019) [2024] KEHC 10982 (KLR) (Family) (19 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10982 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 367 OF 2019  
HK CHEMITEI, J  
SEPTEMBER 19, 2024  
IN THE MATTER OF THE ESTATE OF THE LATE  
STEPHEN KINGANGI MUBIRA (DECEASED)**

**RULING**

1. The application dated 8<sup>th</sup> June 2023 is seeking the following orders;
  - (a) That any two administrators of the estate execute the transmission, transfer and bank documents in respect of the following properties and assets to the heirs denoted herein in the partial confirmation of grant dated 2<sup>nd</sup> June 2021.



No.	Description of Asset	Heir	
Muguga Land L.r. No. 4885/174, I.r. No 157441	Jane Wanjiku King'ang'i		
Muguga Land L.r. No. 4885/172, I.r. No 157438	Lucy Wambui King'ang'i		
Muguga Land L.r. No. 4885/173, I.r. No 157440	Jennifer Mwihaki King'ang'i		
Lower Kabete L.r. No. Kabete/kibichiku/2149	Pauline Muthoni King'ang'i		
Lower Kabete L.r. No. Kabete/kibichiku/3718	Anne Wanjiru King'ang'i		
Lower Kabete L.r. No. Kabete/kibichiku/3719			
Lower Kabete L.r. No. Kabete/kibichiku/3720			
Lower Kabete L.r. No. Kabete/kibichiku/3721			
Lower Kabete L.r. No. Kabete/kibichiku/3722			
Lower Kabete L.r. No. Kabete/kibichiku/3723			
Lower Kabete L.r. No. Kabete/kibichiku/3724		Priscilla Wambui King'ang'i	
Lower Kabete L.r. No. Kabete/kibichiku/3725			
Lower Kabete L.r. No. Kabete/kibichiku/3731			
Lower Kabete L.r. No. Kabete/kibichiku/3732			
Lower Kabete L.r. No. Kabete/kibichiku/3733			



Lower Kabete L.r. No. Kabete/kibichiku/3726	Josephine Njeri John
Lower Kabete L.r. No. Kabete/kibichiku/3727	
Lower Kabete L.r. No. Kabete/kibichiku/3728	
Lower Kabete L.r. No. Kabete/kibichiku/3729	
Lower Kabete L.r. No. Kabete/kibichiku/3730	
Lower Kabete L.r. No. Kabete/kibichiku/2147 And	Edwin Ngugi King'ang'i to hold in Trust for: Elizabeth Njoki King'ang'i
Motor Vehicle Reg. No. KXX70	Edwin Ngugi King'ang'i Virginia Mugure Muigai Serah Mwihaki Mbugua Esther Woki Mboca James Kimani King'ang'i Pauline Muthoni King'ang'i Peter Gitungo King'ang'i Priscilla Wangui King'ang'i and Anne Wanjiru King'ang'i
L.R. No. Ng'ong/ngong/63366	Any Two Administrators To Execute Sale Documents In Respect Of The Properties And Net Proceed Of Sale Be Distributed To All Beneficiaries Of The Estate Equally As Denoted In The Partial Confirmation Of Grant Dated 2 <sup>Nd</sup> June 2021
L.R. No. Ng'ong/ngong/37485	
L.R. No. Kijabe/kijabe Blcok 1/14961	
Westlands L.r. No. 1870/11/301	Two Administrators To Execute Transfer In Respect Of Transmission Of Properties To Company



Nairobi South “c” L.r. No. 209/5048	Duly Formed By The 2 <sup>nd</sup> Family Wherein They Are All Shareholders And Directors
Wangige Shop Number 2	
Eastleigh L.r. No. 36/vii/432	Two Administrators To Execute Transfer In Respect Of Transmission Of Properties To Company Duly Formed By The 1 <sup>st</sup> Family Wherein They Are All Shareholders And Directors
Nairobi West L.r. No. 37/256/5	
Parklands L.r. No. 209/91/17	Kshs.15,000,000 Be Held By The Firm Of B.w. Maina And Associates And Kabaiku And Company Advocates Jontly To Cater For Stamp Duty Estimated Cost For Transfer Of The Properties To The 3 <sup>rd</sup> Families Beneficiaries
Parklands L.r. No. 209/2389/150	
Motor Vehicle Registration No. Kay 309f	Nicholas Kung’u King’ang’i
Motor Vehicle Registration No. Kah 933g	Harrison Ngugi King’ang’i
Motor Vehicle Registration No.kvk 406 Motor Vehicle Registration No. Kah 330s Motor Vehicle Registration No.kbt 452m Motor Vehicle Registration No. Kas 699u	Elizabeth Njoki King’ang’i
Motor Vehicle Registration No. Kbh 465j	Lucy Wambui King’ang’i
Motor Vehicle Registration No. Krt 337 Tractor	The Administrators Namely Edward Ngugi King’ang’i, Edwin Ngugi King’ang’i And David



	Kinyati King'ang'i To Hold In Trust Of All The Sons Of The Deceased.
Safaricom Shares	Two Administrators To Execute Sale Documents And Net Proceed Be Distributed To All The Beneficiaries Fo The Estate As Denoted In Partial Confirmaiton Of Grant Dated 2 <sup>Nd</sup> June 2021.
Standard Chartered Bank Shares	
Kenya Breweries Shares	
Standard Chartered Bank Account Number 0102025260200 – Kshs. 15,145,526/25	Two Administrators To Execute Remittance To All Beneficiaries Equally As Per Partial Confirmation Of Grant Dated 2 <sup>Nd</sup> June 2021
Standard Chartered Bank Account Number 0102025792900 – Kshs.	
Standard Chartered Bank Account Number 0152471450700 – Kshs 284,307/45	
Standard Chartered Bank Account Number Deal Number 44025260201 Kshs. 60,565,890/43	
Stanbic Bank Account Number 0100000093331 Saving Account & Fixed Deposit Sh.35,420,460/04	Two Administrators To Execute And Remit A) Kshs.30,000,000 In The Joint Account Of The
STANBIC BANK ACCOUNT – COMMERCIAL BANKING DEPOSIT ROLLOVER ADVICE MM1522215952 Shs.132,171,365/90	Advocates M/s H.t. & Associates, Shabana Osman And Associates, B.w. Maina And Associates And Kabaiku And Company To Hold As Disbursement Legal Cost For Payment To



	<p>Advocates Of The Deceased Estate.</p> <p>B) Kshs. 15,000,000 To Be Remitted To B.w. Maina And Asscoates And Kabiku And Company Advocates To Hold As Stamp Duty Disbursement To Be Paid For Transfer Of Properties Lr N0. 209/91/17 And 209/2389/150</p> <p>C) Two Administrators To Remit The Ablance Of Funds To All Beneficiaries Equally.</p>
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- (b) That the cost of this application be in the cause.
3. The application is based on the grounds thereof and the sworn joint affidavit of Edward Ngugi Kingangi and Edwin Ngugi Kingangi dated the same date.
  4. The gist of the application is that both applicants are administrators of the estate herein representing the 1<sup>st</sup> and 2<sup>nd</sup> family respectively. That the grant herein was partially confirmed on 2<sup>nd</sup> June 2021. To date the same has not been executed because the other administrator from the third house reside outside Kenya and therefore it has been difficult to implement the grant.
  5. They went on to state that the issue pending was the distribution of the third families portion and the legal fees demanded from the said house.
  6. They therefore deponed that they need to move forward as any delay shall cause some of the assets to be surrendered to the Unclaimed Assets Authority and that the beneficiaries were also aging and needed to enjoy their bequest.
  7. Jennifer Mwihaki Kingangi swore a replying affidavit dated 29<sup>th</sup> June 2023 in which the major issue in my view that she raised was the fact that some of the properties have been changed in their description as contained in the partial confirmation. Those errors should therefore be taken into consideration.
  8. She however penned off by praying that the partial confirmation ought to be revoked.
  9. I have looked at the application as well as the history of this matter. It is true that the grant was partially confirmed on 2<sup>nd</sup> of June 2021. To date there is no application to amend the grant or for that matter a revocation. The request by Jennifer for revocation is not only un-procedural and unmerited for it has been raised in a replying affidavit without a formal application.



10. Secondly that request is too late in the day. She has been in the picture all along until the grant was partially confirmed. If there are errors in the description of the properties, then the same does not warrant revocation but simple amendment of the partial grant.
11. The reason that the other administrators reside outside the country was not opposed. This has posed significant challenge in moving forward the partial grant in terms of distribution and transmission of the properties.
12. The court sees no harm in the two available administrators transmitting the same to the beneficiaries as long as it complies with the partial confirmed grant. If there are any errors as pointed out by the respondent, then the same can be corrected by way of rectification of the grant.
13. In the premises and since none of the parties stand to suffer loss the application dated 8<sup>th</sup> June 2023 is hereby allowed as prayed with no order as to costs.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 19TH DAY OF SEPTEMBER 2024.**

**H K CHEMITEI**

**JUDGE**

