



**In re Estate of James Ndungu Muigai (Deceased) (Succession Cause E1264 of 2022)
[2024] KEHC 14333 (KLR) (Family) (24 October 2024) (Directions)**

Neutral citation: [2024] KEHC 14333 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE E1264 OF 2022
HK CHEMITEI, J
OCTOBER 24, 2024
IN THE MATTER OF THE ESTATE OF THE LATE JAMES NDUNGU MUIGAI (DECEASED)**

BETWEEN

MICHEAL KAMAU NDUNGU 1ST PETITIONER

JOSEPH NDICHU NDUNGU 2ND PETITIONER

AND

JOSEPH NDICHU MUIGAI OBJECTOR

DIRECTIONS

1. The court has perused the application dated 3rd October 2023. It appears to me that the deceased and the Applicant/Objector were the sons of Peter Muigai Wambu who owned land parcel number Dagoretti/Mutuini/873.
2. The Applicants applied for the letters of administration herein without the knowledge of the Applicant who claims to have a beneficial interest. He has given a chronology of events and other exhibits/annexures in his supporting affidavit including some decree from lower court pursuant to some land dispute tribunal case.
3. He has further indicated that he has been staying on the said land and has built a children's home.
4. I have also perused the grounds of opposition by the Respondents as well as their written submission.
5. The court has anxiously pondered over the matter and I do not think affidavit evidence can suffice to reach a meaningful settlement of this matter. There is more that the court will glean from the parties and their witnesses which will lead to a fair decision of the court.
6. In the premises I direct that:-



- (a) The objection proceedings herein be determined by way of *viva voce* evidence.
- (b) The parties are hereby granted 30 days to file and serve each other with witness statements and further affidavits if any.
- (c) The confirmed grant issued on 26th June 2023 touching on land parcel number Dagoretti/Mutuini/873 is hereby held in abeyance pending the hearing and determination of the objection proceedings.
- (d) The *status quo* on the ground to remain pending the determination of the objection herein.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 24TH DAY OF OCTOBER 2024.

H K CHEMITEI

JUDGE

