



**In re Estate of Watatua Kibere (Deceased) (Succession Cause 1348 of 1999)
[2024] KEHC 13014 (KLR) (Family) (11 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13014 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1348 OF 1999
PM NYAUNDI, J
OCTOBER 11, 2024
IN THE MATTER OF THE ESTATE OF WATATUA KIBERE (DECEASED)**

BETWEEN

RAHAB NG'ENDO GATHAMA ADMINISTRATRIX

AND

**ESTHER WAMBU WAMBU ALIAS ESTAHER WATATUA (SUED AS THE
LEGAL REPRESENTATIVE OF THE ESTATE OF SOLOMON WAMBU
WATATUA) RESPONDENT**

RULING

Background

1. This matter relates to the estate of Watatua Kibere who died intestate on 19th February 1977. Grant was jointly issued to Solomon Wambu Watatua and Rahab Ng'endo Gathama on 13th March 2009. The grant was confirmed on 14th July 2011, pursuant to judgment of Hon. Maraga J (as he then was).
2. After Solomon Wambu Watatua, died the Co Administrator, Rahab Ng'endo Gathama filed summons for revocation of grant dated 28th January 2022. She averred that the grant of letters of administration was obtained through fraud, misrepresentation and concealment of material facts by her deceased Co Administrator. The Application is presented against Esther Wambui Wambu, widow and the Administratrix, of the Estate of the deceased Co Administrator (Solomon Watatua).
3. In her response, the respondent avers that prior to the death of her husband (who was the Co Administrator) the estate of the deceased herein had been transmitted to the beneficiaries as per Certificate of Confirmation of Grant. This averment has not been controverted.



4. During the pendency of this Application for revocation of grant the Applicant died and her son Bernard Thairu Gathamu sought to substitute her as the Applicant vide application dated 15th April 2024. That Application was subsequently withdrawn on 21st May 2024.
5. Pursuant to Section 73 of the *Law of Succession Act*, I am compelled to dismiss the Summons herein as being an abuse of Court process, Judgment herein was delivered on 14th July 2011. The only way the Applicant (now deceased) could challenge that Judgment was by way of Appeal or review and not by Summons for revocation as she has done. The matter is moot in any event as the estate of the deceased is fully administered. Further the widow of the Deceased administrator is improperly sued in this matter as she has no role in the estate of her father in law, especially as administrator
6. This being a family matter there shall be no order as to costs.
7. The File is closed

It is so ordered

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 11th DAY OF OCTBER, 2024.

P. NYAUNDI

JUDGE

In presence of: -

Fardosa Court Assistant

Ms. Ndirangu h/b for Mrs. Mureithi Advocate for Respondent

