



**In re Estate of Mildred Mbuya Joel alias Mildred Mbuya Wambua
alias Mildred Mbuya Muli (Deceased) (Succession Cause 1916 of 2016)
[2023] KEHC 17748 (KLR) (Family) (9 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17748 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

FAMILY

SUCCESSION CAUSE 1916 OF 2016

EKO OGOLA, J

MAY 9, 2023

**IN THE MATTER OF THE ESTATE OF THE LATE MILDRED
MBUYA JOEL ALIAS MILDRED MBUYA WAMBUA ALIAS
MILDRED MBUYA MULI (DECEASED)**

RULING

1. Before the court for determination is the Application dated 21st November, 2022 made by one Jesse Muli Ngove. The Applicant seeks for a special limited grant of letters of Administration of the estate of the deceased for purpose of school fees and general upkeep.
2. The deceased in this matter died on 22nd May, 2016 at Coptic Hospital. The grant of letters of Administration of the estate of the deceased was issued on 29th November, 2019 to the Applicant and three others. The Applicant is a son to the deceased.
3. According to the Applicant, he joined Daystar University in January, 2016 but since his mother who was his sole provider passed on in May, 2016, he has been facing several problems with regard to his school fees and upkeep. The Applicant has been negatively affected that he had to leave school and rejoin in the year 2022.
4. The Applicant depones that he was unable to sit for examinations due to a balance of Kshs. 96,261.14; he requires rent of Kshs. 20,000 per month and uses Kshs. 1500 per day for his transport to and from Rongai and for his lunch.
5. The Applicant states that for him to complete diploma studies and general upkeep he would need Kshs. 700,000 and Kshs. 1,400,000 for the Bachelor's degree.
6. According to the Applicant, the deceased's company's account at Standard Chartered Bank holds Kshs. 8,000,000 which remains unutilized. He seeks to be allowed to access the money in that account so as to be able to pay for his school and complete his studies.



7. The parties, save for one Mr. Stanley, had no Objection to the said Application. Mr Stanley was directed to file opposing documents but as at the time of writing this ruling, no documents had been filed.

Determination

8. It is not in dispute that the applicant is a son of the deceased. It is also not disputed that he is in school.
9. The school fees balance as at 14th November 2022 as per the documents provided by the Applicant is Kshs. 96,261.14. This amount was needed before he could sit for his exams in December, 2022. The Applicant is obviously missing out on his education program. He has asked the court for a total of Kshs. 700,000/- an amount he believes will cater for his diploma studies and upkeep. He also asked for a total of Kshs. 1,400,000/ to cater for his degree studies and upkeep.
10. The Applicant needs school fees and the estate needs to be preserved. In order for that to happen, the applicant shall be granted limited access to the account for the amount that is presently required; that is the school fees, rent, transport and other basic necessities required by the Applicant.
11. The amount authorized to be withdrawn by the special limited grant shall be taken into account at the point of ascertaining the amount or share of the estate eventually distributed to the applicant and other beneficiaries.
12. Any further dealing with the estate of the deceased must be with the authority of the court granted in this cause or upon full grant of representation.
13. In consideration of the reasons set out above, the court makes the following orders: -
 - i. A special limited grant is made to the applicant, Jesse Muli Ngove for the purposes of accessing the deceased's account at Standard Bank and to withdraw therefrom a total sum of money being Kshs. 700,000/- for the payment of schools fees for entire Diploma studies at Daystar University and for his rent, upkeep and school related expenses.
 - ii. The special limited grant does not authorize any withdrawal of any other sums of money from any of the deceased's bank accounts or the dealing with any other property of the deceased
 - iii. Costs in the cause

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF MAY 2023.

E.K. OGOLA

JUDGE

Judgment read and delivered online the presence of:

Jessy Ngove - Applicant

Stanley h/b for Turunga for the Objectors

Ms. Gisiele Court Assistant

