



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 2398 OF 2010**

**IN THE MATTER OF THE ESTATE OF PATRICK NDAI MUNYUA (DECEASED)**

**PETER MUNYUA MBUGUA.....PETITIONER**

**VERSUS**

**MINNEH MUNYUA.....APPLICANT/PROPOSED PETITIONER**

**RULING**

Minneh Munyua, the Applicant and wife to Peter Munyua Mbugua the Petitioner in the Estate of Patrick Ndain Munyua, has brought this application by way of Chamber Summons seeking revocation and annulment of Limited Grant Ad Litem issued to Peter Munyua Mbugua on 7<sup>th</sup> day of January 2011. She further seeks to be issued with Limited Grant Ad Litem in respect of the Estate of Patrick Ndain Munyua for purposes of substitution of the Plaintiff in Nairobi High Court Civil Case No. 55 of 2011 Peter Munyua Mbugua (Suing as the administrator ad litem of the estate of Patrick Munyua) v. The Attorney General and Another. The Applicant is also mother to Patrick Munyua, deceased.

Peter Munyua who was appointed as the Administrator through the Limited Grant Ad Litem died on 21<sup>st</sup> November 2019 as per the death certificate attached to the Chamber Summons and marked "MM – 4(b).

I have considered the Chamber Summons and find it meritorious. It is necessary to grant the prayers sought to cloth the Applicant with the necessary legal capacity to take over and prosecute Nairobi HCCC No. 55 of 2011 since Peter Munyua Mbugua is deceased and unable to do so. For this reason I hereby allow the Chamber Summons dated 23<sup>rd</sup> September 2020 and revoke the Limited Grant Ad Litem issued to Peter Munyua Mbugua on 7<sup>th</sup> day of January 2011. I further grant Limited Grant Ad Litem in respect of the Estate of Patrick Ndain Munyua to Minneh Munyua, the Applicant. The Grant is limited for purposes of prosecuting Nairobi HCCC No. 55 of 2011 only with no powers to distribute the estate of Patrick Ndain Munyua. Orders shall issue accordingly.

**DATED, SIGNED AND DELIVERED THIS 9TH DECEMBER 2020.**

**S. N. Mutuku**

**Judge**