



In re Estate of Andrew Njuguna Ng'ang'a (Deceased) and In re Estate of Gidprah Ng'ang'a Njuguna (Deceased) (Succession Cause 179 of 2002 & 669 of 2003 (Consolidated)) [2025] KEHC 14487 (KLR) (16 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14487 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

SUCCESSION CAUSE 179 OF 2002 & 669 OF 2003 (CONSOLIDATED)

HK CHEMITEI, J

OCTOBER 16, 2025

IN THE MATTER THE ESTATE OF ANDREW NJUGUNA NG'ANG'A (DECEASED)

AND

IN THE MATTER OF THE ESTATE OF GIDPRAH NG'ANG'A NJUGUNA (DECEASED)

BETWEEN

GRACE NYAMBURA NG'ANG'A ALIAS GRACE NYAMBURA

KARANJA APPLICANT

AND

MARGARET WANGUI RESPONDENT

RULING

1. This ruling relates to the application dated 22nd September, 2023, filed by the Applicant, Grace Nyambura Ng'ang'a alias Grace Nyambura Karanja, seeking for ORDERS THAT:
 1. Spent.
 2. This application be heard before the hearing of the application dated 17th November, 2021 coming for mention on 13th November, 2023.
 3. In the alternative, both this application and the one dated 17th November, 2021 coming for mention on 13th November, 2023 be consolidated or heard at the same time.
 4. This court be pleased to rectify its ruling dated 11th November, 2015 on paragraph 38 to state that the property given to Grace is Plot No. A93 as this is the property Justice Achode was referring to as the home she lived with the Late Andrew Njuguna and Margaret Wangu the Respondent evicted her from.



5. This court be pleased to order Margaret Wangu to relinquish possession of the property known as Plot No. A93 as she still lives in it.
 6. If the same is sold, this court be pleased to hold Margaret Wangu guilty of intermeddling as per Section 45 (1) of the Succession Act, Cap 160.
 7. Further, this court be pleased to sentence Margaret Wangu to an imprisonment term of one year and or a fine as per Section 45 (2) of the Succession Act.
 8. This court be pleased to hold Margaret Wangu in contempt of court orders that was specific to give the Applicant the property she evicted her from, which was well known to both the Applicant and the Respondent.
 9. This court be pleased to commit Margaret Wangu to civil jail in contempt of court orders.
 10. The Officer Commanding Station (OCS) Githurai Police Station be directed to assist the Applicant in possession of the property known as Plot No. A93.
 11. This court do issue any order it deems fit.
 12. The costs of this application be awarded to the Applicant.
2. The application is based on the grounds thereof and supported by affidavit sworn by Grace Nyambura Njuguna alias Grace Nyambura Karanja on 22nd September, 2023.
 3. She avers inter alia that She was the deceased's wife, however this court held that for purposes of succession, she could not be regarded as a wife but a dependant.
 4. Vide the judgment dated 11th November, 2023, this court bequeathed to her the property known as Plot No. Githurai E153 which was her home before as a dependant together with her 3 children.
 5. She deponed that the property described by Hon. Justice Achode (as she then was) is Plot A93 and not Plot No. Githurai E153. Justice Achode was clear that the property that should be given to her is the one that Margaret evicted her from and as such this is a matter that can be rectified by this court.
 6. She said that Margaret chased her and her children after the deceased's death and they were left with no home and her father in law the late Gidprah Njuguna. That she has frustrated all her efforts to get access to the said property and still lives in it.
 7. The application is not opposed.
 8. The Applicant has filed written submissions dated 23rd June, 2025, placing reliance on the following:
 - a. Republic v Attorney General & 15 Others Ex Part Kenya Seed Company Limited & 5 Others [2010] eKLR where the court stated as follows: "It is a codification of the common law doctrine dubbed "the slip rule", the history and application of which has a wealth of authorities both locally and from common law jurisdictions. It is a rule that applies as part of the inherent jurisdiction of the court, which would otherwise become functus officio upon issuing a judgment or order, to grant the power to reopen the case but only for the limited purposes stated in the section. Some of the applications of the rule are fairly obvious and common place and are easily discernible like clerical errors, arithmetical mistakes, calculations of interest, wrong figures or dates. Each case will of course depend on its own facts, but the rule will also apply where the correction of the slip is to give effect to the actual intention of the Judge and/or ensure that the judgment/order does not have a consequence which the judge intended to avoid adjudicating on."



- b. Vallabhdas Karsandas Raniga v Mansukhlal Jivraj & Others (1965) EA, the East African Court of Appeal as was quoted in the case of Unik Driving School v Taib (Miscellaneous Civil application 245 of 2021) [2024] KEHC 4795 (KLR) (18 April 2024) (Ruling) held as follows: “A slip order will only be made where the court is fully satisfied that it is giving effect to the intentions of the court at the time when the judgment was given, or in the case of a matter which was overlooked, where it is satisfied beyond doubt, as to the order which it would have made had the matter been brought to its attention.”
- c. Fredrick Otieno Outa v Jared Odoyo Okello and 3 others [2017] eKLR where the court guided as follows: “By its nature, the slip rule permits a court to correct errors that are apparent on the face of the judgment, ruling or order of the court. Such errors must be so obvious that their correction cannot generate any controversy, regarding the judgment or decision of the court. By the same token, such errors must be of such nature that their correction would not change the substance of the judgment or alter the clear intention of the court. In other words, the slip rule does not confer upon a court any jurisdiction or powers to sit on appeal over its own judgment, or, to extensively review such judgment as to substantially alter it. Indeed, as our comparative analysis of the approaches by other superior court demonstrates, this is the true import of the slip rule.”
- d. Stewart Robertson v Her Majesty’s Advocate [2007] HCAC 63 as was quoted in the case of Pubs, Entertainment and Restaurants Association of Kenya & 2 others v National Assembly & 5 others; Kenya Association of Manufacturers (Interested Party) (Petition 24, E491 & E403 of 2021 (Consolidated) [2024] KHC 10396 (KLR) (26 August 2024) (Ruling) where it was explained as follows: “Contempt of court is constituted by conduct that denotes wilful defiance of or disrespect towards the court or that wilfully challenges or affronts the authority of the court or the supremacy of the law, whether in civil or criminal proceedings.”

Analysis And Determination

13. I have read the application before this court and the submissions. The court has also read the ruling of Achode J (as she was) dated 11th November 2015 and paragraph 38 thereof is clear that the land in question was the one the Applicant lived in before she was chased away.
14. Barring any objection, I find the application on that score meritorious as it does not at all change the tenor and the substance of the ruling.
15. On the other prayers especially those dealing with eviction and the contempt by the said Respondent the same will best be dealt with by the land court which is fully clothed with the necessary jurisdiction.
16. Suffice to state therefore that the grant be rectified so that the portion due to the Applicant should read plot No. A93 as per prayer (4) of the application.
17. The application dated 17th November 2021 be fixed for hearing forthwith.
18. Costs of this application to the Applicant.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 16TH DAY OF OCTOBER 2025.

H K CHEMITEI

JUDGE**

