



REPUBLIC OF KENYA



**In re Estate of Margaret Mugure Kariuki (Deceased) (Succession Cause  
2785 of 2011) [2025] KEHC 13598 (KLR) (Family) (2 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13598 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 2785 OF 2011  
HK CHEMITEI, J  
OCTOBER 2, 2025**

**BETWEEN**

**LUCY WAMAITHA MBURU ..... 1<sup>ST</sup> APPLICANT  
PERIS WAMBUI GATHECA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**WINNIE WANJIRU KAHIU ..... 1<sup>ST</sup> RESPONDENT  
ANTHONY KARIUKI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Applicant's application dated 3<sup>rd</sup> July 2024 has prayed for raft of orders which of significance is the reopening of this suit which they claim the court closed and or dismissed it on 25<sup>th</sup> July 2016; that the grant issued herein be revoked and they be appointed administrators instead of the Respondents and that the Respondents be directed to provide accounts of the rent they have collected from the estate.
2. The application is supported by the 1<sup>st</sup> Applicant's affidavit sworn on the same date and the grounds thereof.
3. The Applicant did also file a further affidavit dated 5<sup>th</sup> August 2024 in response to the 2<sup>nd</sup> Respondents replying affidavit sworn on 17<sup>th</sup> July 2024.
4. The court has perused the rival affidavits and so as to save on the courts judicial time I need not dwell on the many factual issues raised by the Applicants. It appears to me that the administrators failed to perform their mandate leading to this cause pending before the court for now close to 14 years unnecessarily.



5. In the first instance the court closed this suit for want of prosecution on 5<sup>th</sup> June 2018 and not 25<sup>th</sup> July 2016 as claimed by the Applicant.
6. In view of the fact that the grant was yet to be confirmed and the issues ventilated by the beneficiaries it is necessary that the prayer of reopening the matter be allowed.
7. Once this is done the issues raised by the Applicants concerning rendering of accounts by the Respondents shall well be ventilated if the grant issued on 22<sup>nd</sup> May 2012 is confirmed. For reasons best known to the parties they have delayed in confirmation of the same leading to the court dismissing the matter or closing it for want of prosecution.
8. This ought not to have been the case and I think this is partially part of the reasons why the Applicants are seeking accounts of the estate.
9. I appreciate that at some point the matter went for some mediation but the same however was to do with a single beneficiary, namely, Healing and Restoration Christian Church.
10. Consequently, I direct as follows:-
  - (a) The orders of this court dated 5<sup>th</sup> June 2018 are hereby set aside and the cause is hereby reopened.
  - (b) Within 30 days from the date herein the Administrators Respondents are directed to file an application for confirmation of the grant dated 22<sup>nd</sup> May 2012 and in default the said grant is canceled and fresh grant issued to the Applicants without further notice to the Respondents.
  - (c) This matter be fixed for mentioned within the next thirty days from the date herein before the Deputy Registrar of this court to confirm compliance.
  - (d) Costs of this application to the Applicants.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 2<sup>ND</sup> DAY OF OCTOBER 2025.**

**H K CHEMITEI**

**JUDGE**

