



In re Estate of James Mbugua Kabutu alias Mbugua Kabutu (Deceased) (Succession Cause 617 of 2014) [2025] KEHC 15229 (KLR) (Family) (30 October 2025) (Ruling)

Neutral citation: [2025] KEHC 15229 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 617 OF 2014
HK CHEMITEI, J
OCTOBER 30, 2025
IN THE MATTER OF THE ESTATE OF THE LATE JAMES
MBUGUA KABUTU ALIAS MBUGUA KABUTU (DECEASED)

BETWEEN

HANNAH WANJIRU KAGGIA APPLICANT

AND

GEOFFREY KABUTU MBUGUA RESPONDENT

RULING

1. There are two sets of applications herein filed by the Applicant. The court shall deliver a consolidated ruling as they all relate one same issue.
2. The first application dated 26th June 2024 prays for orders that:-
 - (a) A declaration that Geoffrey Kabuto Mbugua has violated the terms of the grant and has not diligently administered the estate.
 - (b) This court does annul and or revoke the name of Geoffrey Kabuto Mbugua and he be removed as one of the administrators of the estate.
 - (c) This court do issue an amended certificate of confirmation of grant to Peninah Wambui Waruinge and Hannah Wanjiru Mbugua.
3. The application is supported by the joint sworn affidavit of Peninah Wanjiru Waruinge and Hannah Wanjiru Kaggia.
4. The application is not opposed.



5. The second application dated 24th October 2024 by Hannah Wanjiru Kaggia seeks orders that:-
 - (a) The court be pleased to order the land surveyor to resurvey the property number LR 4885/52 (Kaggia farm) to determine the respective boundaries/ beacons and excise the portion for Kenya Power & lighting Co. Ltd.
 - (b) The Deputy Registrar of this court do execute all the relevant documents to effect registration, sub divisions and transfer of land parcel number 4885/52 (Kaggia farm) on behalf of Geoffrey Kabuto Mbugua the Respondent herein in case he refuses to sign and or execute.
 - (c) The OCS Kikuyu police station and the area chief to provide security during the exercise.
6. The application is based on the Applicant's sworn affidavit dated the same date.
7. The application is not opposed.
8. I have perused the two sets of applications and it emanates from the Respondent Geoffrey Kabuto Mbugua, who is also an administrator failing to execute his part of the grant according to the Applicant.
9. The Applicants deponed that ever since the grant was confirmed they have been frustrated by the Respondent's inaction hence the need to have him out of the way and replace him with Peninah Waruinge.
10. The Respondent in the amended grant dated 26th June 2024 was jointly appointed as joint administrators together with Hannah and Peninah. I do not see any difficulty with him complying with the duties bestowed upon him as an administrator together with the other two.
11. If indeed he has been uncooperative then the best way is to have him out of the way. I shall however not exercise this inherent position given in law. I shall grant him an opportunity to demonstrate his willingness to abide with the grant.
12. Nonetheless if he does not act within 14 days after being presented with the execution instruments then the Deputy Registrar of this court shall have the liberty of executing on his behalf. This shall ensure the estate smoothly transmits to the beneficiaries.
13. The prayer for reordering Kenya Power to resurvey the parcel again is not within my jurisdiction. First of all, the survey works is not the mandate of this court but the land courts. If the Applicant think that there is some unfinished survey business on the parcel of land and she is experiencing any difficulty then the right place to approach is the Environment and Land Courts.
14. In any case Kenya power is not a party herein and I cannot make any orders against it.
15. Suffice to state that the two applications are merited and I direct that:-
 - (a) The Respondent Geoffrey Kabuto Mbugua shall within 14 days from the date herein execute all the conveyancing documents to effect the confirmed grant herein and in default the Deputy Registrar of this court be at liberty to execute in his place.
 - (b) Costs of the two applications to the Applicant.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 30TH DAY OF OCTOBER 2025.

H K CHEMITEI

JUDGE

