



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of the Late Cheche Mwangi alias Simon Cheche Mwangi (Deceased) (Succession Cause 554 of 1995) [2025] KEHC 16195 (KLR) (Family) (6 November 2025) (Ruling)

Neutral citation: [2025] KEHC 16195 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 554 OF 1995
HK CHEMITEI, J
NOVEMBER 6, 2025
IN THE MATTER OF THE ESTATE OF THE LATE CHECHE
MWANGI ALIAS SIMON CHECHE MWANGI (DECEASED)

BETWEEN

JOB KANJA CECE 1ST APPLICANT

MOSES NJOROGE CHECHE 2ND APPLICANT

AND

AMOS KIRURI KANJA 1ST RESPONDENT

ALICE MUMBI NJAAGA 2ND RESPONDENT

RULING

1. The application dated 24th October 2022 seeks the following reliefs:-
 - (a) The court do order service of the application upon the County land Registrar Kiambu County and or upon the Attorney General with the liberty to respond to the substantive issues raised herein.
 - (b) The court be pleased to order the immediate removal of all or any restrictions and caution registered against the property known as LR Karai/Karai/182 situated in Karai Location Kiambu County.
2. The application is premised on the grounds thereof and the sworn affidavit of Job Kanja Cece of even date.
3. The Applicant avers that he is one of the administrators herein and land parcel number Karai/Karai/182 comprises the deceased estate.



4. That the court vide the rectified grant dated 14th May 2018 awarded the same to them.
5. However, as they attempted to effect the transmission they found a caution lodged according to him by some unknown persons. They are therefore seeking that the County Land Registrar be compelled to remove the same.
6. The Respondent vide their replying affidavit sworn on 28th October 2024 have opposed the application on the grounds that the suit parcel of land was jointly registered between the deceased herein and one Monica Mirigo and they attached a copy of the search marked as “AMN2” to that effect.
7. Further that the said Monica has since died and there is succession cause No 409 of 2020 pending in this court.
8. It is therefore appropriate and necessary that the caution ought to remain until the rights of Monica’s estate in the matter is determined.
9. The court having perused the pleadings on record and more specifically the official search (ANM2) of the above parcel of land is entirely in agreement with the Respondents. This is for the simple reason that the two deceased persons were joint registered owners of the land and that since they are both deceased the court must make a determination before the beneficiaries can move forward.
10. I have also read the ruling of Thande J dated 25th February 2022 in the Succession Cause No. 409 of 2020 which shows the matter regarding the estate of the late Monica Mirigo.
11. Consequently, the best way is for the Respondents to agitate their rights under this cause by filing objection proceedings as they have an interest in the said parcel.
12. I direct that:-
 - (a) The application dated 24th October 2024 is disallowed with no orders as to costs.
 - (b) The Respondents should within 30 days from the date herein file and serve their objection to this cause.
 - (c) Costs in the cause.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 6TH DAY OF NOVEMBER 2025.

H K CHEMITEI

JUDGE

