

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
FAMILY DIVISION
PROBATE & ADMINISTRATION CAUSE E151 OF 2025**

**CONSOLIDATED WITH
PROBATE & ADMINISTRATION CAUSE NO. E614 OF 2025
AND
PROBATE & ADMINISTRATION CAUSE NO E695 OF 2025**

***IN THE MATTER OF THE ESTATE OF DR. WILFRED AKHONYA
MUTUBWA (DECEASED)***

AND

***IN THE MATTER OF PETITION FOR LETTERS OF ADMINISTRATION AD
COLLIGENDA BONA***

**VIRGINIA WANJIKU NJOKI 1st PETITIONER
KENNEDY MWINAMO ASHIMOSI2nd PETITIONER**

RULING

1. This is the second time that the Petitioners herein are petitioning the Court for Letters of Administration *ad colligenda bona*.
2. Following a Petition dated 14 March 2025, the Petitioners were granted the following orders:

- a. The Petitioners shall obtain and furnish the Court with Statements of Accounts for the three named accounts for the last two months. The said statements shall be presented to the Court within 14 days of the date hereof;
 - b. A sum of Kshs 282,967/= to be paid directly from the accounts to APA Insurance for the insurance cover renewals in respect of Motor vehicle registration number KCP 794B and KDE 999T;
 - c. A sum of Kshs 174,000/- to be paid directly to the firm of Munyithya, Mutugi, Umara and Muzna Advocates;
 - d. A sum of Kshs 212,602/= to be paid directly to Old Mutual General Insurance Limited for provision of medical insurance cover for the 1st Petitioner, Noelle Mutubwa and Nadine Mutubwa;
 - e. A sum of Kshs 382,000/= be paid directly to St. Austin's Academy in respect of school fees for Noelle Mutubwa;
 - f. A sum Kshs 785,045/= to be paid directly to Peponi House in respect of school fees for Nadine Mutubwa;
 - g. Pending the production of the Statements of Accounts from the various bank accounts, the Petitioners shall have access to a sum of not more than Kshs 200,000/- from each of the three named accounts for purposes of meeting household and other expenses.
3. This time round, the Petitioners seek to access the Deceased's bank accounts held at Stanbic Bank, ABSA Kenya Ltd and Equity Bank Ltd for purposes of accessing Kshs 6 million for purposes of paying the Deceased's daughters' school fees for the next 3 terms and handling their maintenance, as well as for food and household expenses.
 4. Attached to the Affidavit are copies of the Invoices from St. Austins Academy and Peponi House Preparatory School for Kshs 1,272,000/=

and Kshs 2,554,540/= respectively. That brings the total to Kshs 3,826,540/=.

5. The 1st Petitioner informed the Court that there is a fee balance of kshs 800,000/=, although she did not indicate for which child.
6. According to the bank statements furnished by the Petitioners, the balances as at November 2025 are as follows:

Absa Bank Ltd	- Kshs 323,477/=
Stanbic Bank Ltd	- Kshs 11,645,699/=
Equity bank Ltd	- Kshs 782,010/=

7. Whereas this Court appreciates that there is an urgent need to cater for the needs of the children of the Deceased, the Court equally has a duty to preserve the estate of the Deceased pending the confirmation of Grant.
8. In the premise, a special limited Grant is hereby issued to the Petitioners, which be limited to Stanbic Bank Account Number 0100*****048.
9. Access shall be limited in the following terms:
 - (i) A sum of Kshs 3,826,540/= and the outstanding school fees of Kshs 800,000/= to be paid directly to St. Austin's Academy and Peponi House School in respect of school fees for Noelle Mutubwa and Nadine Mutubwa, respectively.

- (ii) Pending the issuance of Letters of Administration Intestate and confirmation of Grant, the 1st Petitioner shall have access to a sum of not more than Kshs 100,000/= per month from Stanbic Bank Account Number 0100*****048 for purposes of meeting household and other expenses. The said access shall lapse on 18 September 2026 or upon confirmation of Grant, whichever is earlier.
10. The said sums shall be considered at the time of the confirmation of the Grant. The Petitioners will be required to present full accounts. Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
11. Costs will be borne by the estate.

DATED AND DELIVERED AT NAIROBI THIS 18 DAY OF DECEMBER 2025

HELENE R. NAMISI

JUDGE

Delivered on virtual platform in the presence of:

For Petitioners: Ms Adegó h/b Dr. Okubasu

Court Assistant: Lucy Mwangi