



In re Estate of the Late Titus Ndungu Kimani (Deceased) (Succession Cause E1269 of 2023) [2026] KEHC 250 (KLR) (Family) (22 January 2026) (Directions)

Neutral citation: [2026] KEHC 250 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE E1269 OF 2023
HK CHEMITEI, J
JANUARY 22, 2026
IN THE MATTER OF THE ESTATE OF THE LATE TITUS NDUNGU KIMANI (DECEASED)

BETWEEN

ANN KABURA, MWANGI KIMANI & OTHERS OBJECTOR

AND

ANN WAMBUI WAMUGO NDUNGU PETITIONER

DIRECTIONS

1. A joint grant of letters of administration was issued to the Petitioner and one John Gikonyo Kamanda on 3rd January 2024. The second administrator has since withdrawn his position on the grounds that he was simply the deceased accountant and did not share any bloodline.
2. The Petitioner sought to replace him with his sister vide the application for confirmation of grant.
3. The Objectors who are the deceased brothers and sister objected vide their protest dated 19th July 2024 that the application for confirmation of grant dated 31st May 2024 ought not to be allowed.
4. Their protest is based among others on the grounds that the Petitioner was never the deceased wife and that he never married or sired any children in his lifetime.
5. That at the time of his death he had suffered some debilitating disease for many years and he was not in any capacity to contract any marriage or run his businesses.
6. They therefore deponed in the various affidavits on record that the Petitioner should not be allowed to inherit the estate.
7. These averments as contained in the various rival affidavits must be subjected to oral evidence. I think it is necessary to do so seeing the various allegations which affidavit evidence cannot suffice.



8. The Petitioner has equally lined up several persons who have sworn affidavits in response arguing therein that they knew her as the deceased wife.
9. In the premises I direct that:
 - (a) The objection proceedings herein shall be determined by way of viva voce evidence.
 - (b) The parties are granted leave to file and exchange any further affidavits and or witness statements within 30 days from the date herein.
 - (c) Costs shall await the outcome of the objection proceedings.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 22ND DAY OF JANUARY 2026.

H K CHEMITEI

JUDGE

