



REPUBLIC OF KENYA



In re Estate of Grace Wanjiku Muthamu (Deceased) (Succession Cause E692 of 2022) [2026] KEHC 1530 (KLR) (Family) (13 February 2026) (Ruling)

Neutral citation: [2026] KEHC 1530 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

FAMILY

SUCCESSION CAUSE E692 OF 2022

PM NYAUNDI, J

FEBRUARY 13, 2026

IN THE MATTER OF THE ESTATE OF GRACE WANJIKU MUTHAMU (DECEASED)

RULING

Introduction

1. The Grant herein was issued on 14th March 2022 and certificate of Confirmation of Grant issued on 3rd April 2024. On 17th December 2024, the Applicant moved to Court seeking accounts, copies of title and revocation of grant. On 28th January I directed that the administrators proceed to finalise transmission of the Estate within 60 days, effect transmission of monies held in bank accounts and in default the grant issued to the administrators would be revoked. On 19th March the Applicant presented this application seeing orders that the administrators be held in contempt and punitive action be taken
2. The administrators oppose the application and Reuben Githaiga Mithamo has sworn an affidavit on 27th March 2025. The Administrators state that monthly share of rent proceeds is distributed to the applicants and other beneficiaries. It is averred that there is money in a joint account to meet costs of transmission of the estate. Delay in transmission was also occasioned by pending court case which was only determined in March.
3. The application was canvassed via written submissions; the applicant's submissions are dated 4th November 2025. Affidavit. They urge that the respondent be found in Contempt and rely on the decision in *Shimmers Plaza Limited v National Bank of Kenya Limited* [2015]eKLR; *Samuel M.N. Mweru & Others v National Land Commission & 2 Others* [2020]eKLR; *Mutitika vs Baharini Ltd* (1985) KLR and *Econet Wireless Kenya Limited, Minister of Information Communication of Kenya & Anor*(2005)eKLR



Determination

4. The application, as I understand seeks to have the Court assert its authority. I have considered the Court record alongside the affidavit sworn in opposition. Given the response by the administrators, I am not satisfied that the threshold for finding a party in contempt of Court has been met.
5. I do observe however that this application was necessitated by the respondents' poor communication. These applications would not be necessary if the information were made available. The parties already agree on how the Estate was to be administered. The Administrators need to move with speed to finalise transmission. There is no reason that the administrators are still collecting rental income.
6. The administrators will finalise transmission within 6 months.
7. Since they occasioned these applications, the administrators will pay the applicants the costs of this application assessed at Kshs 30000 within 30 days.
8. The matter will be mentioned on 6th October 2026 to confirm compliance

It is so ordered.

SIGNED, DATED AND DELIVERED VIRTUALLY AT NAIROBI THIS 13TH DAY OF FEBRUARY 2026.

P .M NYAUNDI

HIGH COURT JUDGE

In the presence of:

Fardosa Court Assistant

Mwaura for 1st and 2nd Applicants

Nganga for Administrators

