



REPUBLIC OF KENYA



**In re Estate of Ibrahim Gitonga Wang' Ondu (Deceased) (Succession Cause 377 of 2009) [2026] KEHC 1329 (KLR) (5 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1329 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
SUCCESSION CAUSE 377 OF 2009  
DKN MAGARE, J  
FEBRUARY 5, 2026**

**IN THE MATTER OF THE ESTATE OF IBRAHIM GITONGA WANG' ONDU (DECEASED)**

**BETWEEN**

**ALICE NYAMBURA MWANGI ..... APPLICANT**

**AND**

**FLORENCE WAIRIMU GATUA ..... 1<sup>ST</sup> RESPONDENT**

**REGINA WANJIKU KARANJA ..... 2<sup>ND</sup> RESPONDENT**

**MARY WANGUI NDEGWA ..... 3<sup>RD</sup> RESPONDENT**

**GRACE THOGORI MUNDIA ..... 4<sup>TH</sup> RESPONDENT**

**JEDIDAH MUTHONI KUYU ..... 5<sup>TH</sup> RESPONDENT**

**ELIZABETH WANGARI KAMUNYA ..... 6<sup>TH</sup> RESPONDENT**

**RULING**

1. The application dated 28/10/2025 seeks to redistribute the estate. However, this was done, and titles came out way back.
2. On 17/9/2025, the court discharged the administrator, effectively ending her work. There is currently no administrator of the estate, as it has been wound up. Section 83(i) of the Law of the Succession Act provides as follows, on the duties of personal representatives:

To complete the administration of the estate in respect of all matters other than continuing trusts and if required by the court, either of its own motion or on the application of any interested party in the estate, to produce to the court a full and accurate account of the completed administration.



3. When the application dated 25/4/2025 was brought to court, the court made an order that the administrator is completely discharged. This effectively marked the end of the succession journey pursuant to Section 83 of the Law of Succession Act.
4. Consequently, the only recourse available to the parties was to appeal against the earlier orders of the court. There cannot be multiple applications for review on the same subject matter, as litigation must come to an end. The principle of finality is particularly pertinent in succession proceedings. The parties herein actively participated in the cause until its conclusion, and it would be contrary to that principle to reopen issues that have already been determined.
5. I associate myself with the reasoning of Kuloba J (as he then was) in *Lakesteel Supplies vs. Dr. Badia and Anor Kisumu HCCC No. 191 of 1994* where he opined that:

“The exercise of review entails a judicial re-examination, that is to say, a reconsideration, and a second view or examination, and a consideration for purposes of correction of a decree or order on a former occasion. And one procures such examination and correction, alteration or reversal of a former position for any of the reasons set out above. The court of review has only a limited jurisdiction circumscribed by the definitive limits fixed by the language used in Order 44 rule 1, [Now 45 rule 1] of the Civil Procedure Rules. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. It can only lie if one of the grounds is shown, one cannot elaborately go into evidence again and then reverse the decree or order as that would be acting without jurisdiction, and to be sitting in appeal. The object is not to enable a judge to rewrite a second judgement or ruling because the first one is wrong...On an application for review, the court is to see whether any evident error or omission needs correction or is otherwise a requisite for ends of justice. The power, which inheres in every court of plenary jurisdiction, is exercised to prevent miscarriage of justice or to correct grave and palpable errors. It is a discretionary power. In the present application, it has not been said or even suggested that after the passing of the order sought to be reviewed, there is a discovery of new and important matter of evidence which, after the exercise of due diligence, was not within the applicant’s knowledge or could not be produced by him at the time when the ruling was made.”

6. The application for review is not on any of the issues set in the law. It is simple to change elements that the court determined, and title deeds were issued to the parties. There is nothing to hear in the succession matter, the administrator having been discharged.
7. The application dated 28/10/2025 is hereby struck out. The file is accordingly marked as closed.

#### **Determination**

8. The court makes the following orders:
  - a. The application dated 28/10/2025 is hereby struck out as the administrator having been discharged, and titles issued to all entitled parties, including the applicants.
  - b. The file is accordingly marked as closed.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2026.  
RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

**KIZITO MAGARE**

**JUDGE**



**In the presence of: -**

Mr. Muthoni for the Applicant

Grace Thogori present

Florence Wairimu Gatua present

Reginah Wanjiku present

Alice Nyambura present

Court Assistant – Michael

