



**In re Estate of the Late Mululi Ndeto Utwii (Deceased) (Succession Cause
188 of 2011) [2026] KEHC 1213 (KLR) (5 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1213 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
SUCCESSION CAUSE 188 OF 2011**

RC RUTTO, J

FEBRUARY 5, 2026

IN THE MATTER OF THE ESTATE OF THE LATE MULULI NDETO UTWII (DECEASED)

IN THE MATTER OF

JOYCE MWIKALI MULULI ADMINISTRATOR

RULING

1. By Summons for Review dated 11th June 2025, brought under rules 63 and 73 of the Probate and Administration Rules, the administrator seeks the following orders:
 1. That this Honourable Court be pleased to review the orders issued on February 2020 (sic) confirming the grant to Joyce Mwikali Mululi and redistribute the estate as follows:
 - I. A portion of land measuring 0.65HA to be excised from Wamunyu/Kyawango/158 measuring 1.2 Ha be registered in the name of Agnes Nduku Wambua and the remainder be registered in the name of Joyce Mwikali Mululi the administrator;
 - II. A portion of land measuring 0.1HA to be excised from Wamunyu/Kyawango/365 measuring 1.3 Ha be registered in the name of Agnes Nduku Wambua and the remainder be registered in the name of Joyce Mwikali Mululi the administrator;
 - III. A portion of land measuring 0.1HA to be excised from Wamunyu/Kyawango/407 and land parcel number Wamunyu/Kyawango/136 measuring 1.2 Ha to be registered in the name of Agnes Nduku Wambua;
 2. That upon granting prayer one (1) above, this Honourable Court be pleased to order a fresh Certificate of Confirmation of Grant to issue.
2. The Summons is supported by the grounds on its face and the administrator supporting affidavit. The gist of the Summons is that Agnes Nduku Wambua an administrator of the estate of the late David Wambua Maithya was omitted, as a beneficiary during the filing of the succession cause. It is



asserted that David Wambua Maithya, became a beneficiary by purchasing portions of the estate from the original beneficiaries. Copies of the sale agreements dated between 2007 and 2008 were annexed to the application.

3. Further, pursuant to a consent order adopted as a judgment in Machakos CMC ELC No. 26 of 2024, the administrator and Agnes Nduku Wambua agreed that the specified portions be registered in her name. A decree issued on 21st January 2025 and an executed consent from other beneficiaries dated 11th June 2025 were produced. It is for the above reasons that the administrator sought to review the orders issued on 20th February 2002 and the Certificate of Confirmed Grant issued on 9th March 2020. She prayed that the application be allowed.
4. The application was heard on 14th October 2025. The applicant urged this court to allow it as prayed. There same was unopposed I have considered the Summons, the supporting affidavit, the annexures thereto and analyzed the applicable law.
5. The application is hinged on rule 63 of the Probate and Administration Rules which provide inter alia that order 45 of the Civil Procedure Rules shall apply insofar as relevant, to the proceedings under the Probate and Administration Rules. Rule 73 further grants this court inherent powers to make such orders as may be necessary to meet the ends of justice. [See In Re estate of Charles Kibe Karanja (deceased) [2015] eKLR].
6. According to the Certificate of Confirmed Grant issued on 9th March 2020, the administrator, Joyce Mwikali Mululi had the following properties; Wamunyu/Kyawango/365, Wamunyu/Kyawango/158, Wamunyu/Kyawango/136 and Wamunyu/Kyawango/407, registered in her name to hold in trust for herself and the following beneficiaries; Eunice Mueni Mululi, Dorris Kanini Mululi, Onesmus Muthama Mululi, Irene Mumbua Mululi, Carol Nduku Mululi, Fridah Ndinda Mululi, Maureen Kalulu Mululi and Virginia Ndanu Mululi.
7. I have examined the sale agreements, which confirm several transactions between Joyce Mwikali Mululi and David Wambua Muithya between 14th September 2007 and 17th October 2008. The administrator also annexed a consent judgment arising from Machakos CMC ELC No. 26 of 2024, dated 21st January 2025. The relevant portions of the consent judgment provide:
 1. That judgment be entered in favor of the plaintiff against the defendant for a declaration that the plaintiff who is the administrator of the estate of the late David Wambua Maithya by virtual (sic) of being a purchaser is the legal and beneficial owner of:
 - i. A portion of land measuring 0.65HA to be excised from Wamunyu/Kyawango/158;
 - ii. A portion 0.1HA to be excised from Wamunyu/Kyawango/365 measuring 1.3 Ha;
 - iii. 0.1HA to be excised from Wamunyu/Kyawango/407 measuring 0.98Ha;
 - iv. Title no. Wamunyu/Kyawango/136 measuring 1.2 Ha.
 2. That the defendant to transfer to the plaintiff;
 - I. A portion of land measuring 0.65HA to be excised from Wamunyu/Kyawango/158 measuring 1.2Ha;
 - II. A portion measuring 0.1HA to be excised from Wamunyu/Kyawango/365 measuring 1.3 Ha;
 - III. A portion measuring 0.1HA to be excised from Wamunyu/Kyawango/407 and;



IV. Land parcel number Wamunyu/Kyawango/136 measuring 1.2 Ha as a whole.

3. That the confirmed grant dated 20th February 2020 in respect of Succession Cause No. 188 of 2011 the Estate of the late MULULI NDETO UTWII (deceased) be rectified to include the plaintiff as the creditor of the estate and the respective shares be captured as per clause 1 & 2 above from the date hereof.
8. The necessity of implementing these orders was emphasized by the trial court, which directed Agnes Nduku Wambua to move the court for enforcement should the administrator default. This court acknowledges those orders and the sequence of events leading to them
9. The application is merited and is hereby allowed as prayed. No orders as to costs

It is so ordered.

DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 5TH DAY OF FEBRUARY 2026.

RHODA RUTTO

JUDGE

In the presence of;

.....Administrator

Selina Court Assistant

