



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

MISCELLANEOUS APPLICATION NUMBER 127 OF

2000

PATRICK KARIUKI MWANGI ----- 1ST

PLAINTIFF

RUTH MUTHONI MWANGI ----- 2ND

PLAINTIFF

VERSUS

GEORGE GATHUITA MWANGI -----

DEFENDANT

AND

FLORENCE NYAMBURA GATHUTA ----- 1ST

INTERESTED PARTY

JOSEPH KAMAU MWANGI ----- 2ND

INTERESTED PARTY

WILSON KIRERU MWANGI ----- 3RD
INTERESTED PARTY
PETER NDIRANGU MWANGI ----- 4TH
INTERESTED PARTY

JUDGEMENT

1. The Interested Parties bring a Notice of Motion dated 10/3/2025 for orders as here below;-

a) Spent.

b) Spent.

c) THAT this Honourable Court be pleased to review, vary or set aside the *status quo* order made on the 2nd day of October 2000 and all other consequential orders thereto.

d) THAT the Honourable Court be pleased to order the transfer of the original lower court file NYAHURURU PRINCIPAL MAGISTRATE SUCCESSION CAUSE NO. 78 OF 1999 itself back to the Principal Magistrates Court at Nyahururu and try and/or dispose of the same.

e) THAT the original lower court file NYAHURURU PRINCIPAL MAGISTRATE SUCCESSION CAUSE NO. 78 OF 1999 be presented before the Principal Magistrates

Court at Nyahururu within fourteen days of the date hereof for the purpose of disposal of the application for by interested parties herein to obtain a grant letter of administration in the succession cause.

f) THAT the cost of the application be in the cause.

2. The Applicants swore a joint affidavit in support of the Motion. The Respondent described as “Plaintiff” and a “Defendant” have not replied to the Application despite evidence of service thereof upon them.
3. *Status quo* order the court made on 2/10/2011 was not defined for better understanding. It is therefore unclear what state of affairs was to be maintained.
4. As there is no objection to the Application, the same is allowed with no order as to costs. The Deputy Registrar is directed to forthwith transmit the file in question to Nyahururu Law Courts as prayed.

J. M. NANG’EA - JUDGE

**Judgement delivered virtually this 4th day of February,
2026.**

In the presence of:

**Mr. Ng'ang'a Advocate for Mr. Mbiyu Advocate for the
Applicant**

Respondents, Absent

J.M. NANG'EA - JUDGE.

ORIGINAL