

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT CHUKA**  
**SUCCESSION CAUSE NO. 245 OF 2015**  
**IN THE MATTER OF THE ESTATE OF MWIANDI**  
**NCHIRU alias MWIANDI NCIRI (DECEASED)**

**AND**

LINUS MUTEKI MWIYANDI.....APPLICANT

**R U L I N G**

1. A grant of representation of the estate of Mwiandi Nchiru (deceased) was issued by this court to his widow Agnes Igoki Mwiandi on 21<sup>st</sup> January 2016.
2. The Administratrix took no action and the court revoked the said grant on 10<sup>th</sup> July 2018.
3. On 22<sup>nd</sup> July 2025, the beneficiaries of the estate represented by one Linus Mutegi Mwiandi filed the present summons through the firm of Chege Kibathi &

Co. Advocates seeking orders that the Grant issued to Agnes Igoki Mwiandi be revoked and a fresh Grant be issued to Linus Mutege Mwiandi who upon appointment be granted liberty to apply for confirmation of Grant.

4. The beneficiaries presented themselves in court on 13<sup>th</sup> October 2025 and confirmed that they had nominated Linus Mutege Mwiandi for appointment by the court as administrator.
5. Applicant stated in his sworn affidavit that the grant issued had become useless and inoperative owing to the death of Agnes Igoki Mwiandi on 22<sup>nd</sup> November 2019.
6. Upon considering the Application, I observed that the Applicant's argument was that the family needed to substitute their deceased mother. The record however

showed that the Grant issued to Agnes Igoki Mwiandi was revoked by the court on 21<sup>st</sup> January 2016. Therefore there was no grant to revoke and the court struck out the Application.

7. The Applicant filed another Chamber Summons dated 30<sup>th</sup> October 2025 seeking that letters of administration be issued to him and upon issuance an order of confirmation of grant to follow.

8. The Applicant stated in the supporting affidavit that he was the son of the deceased and that the family had nominated him. He also provided a schedule of how they wished the property to be distributed.

9. The Application is not opposed. I have noted that the beneficiaries were agreed on the Applicant being made an administrator.

10. Consequently, I grant the first prayer in the Application. A grant of representation be and is hereby issued to the Applicant Linus Mutegi Mwiya.

11. Given the age of this matter, the Applicant is allowed to file summons for confirmation of Grant upon collecting the Letters of Administration.

Orders accordingly,

**Ruling delivered, dated and signed at Chuka this 5<sup>th</sup> day of March, 2026.**

.....

**R. LAGAT-KORIR**

**JUDGE**

**Ruling delivered in the absence of the Applicant's Counsel. Muriuki (Court Assistant).**