



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

SUCCESSION CASE NO. 991 OF 2013

IN THE MATTER OF THE ESTATE OF GACHOKI MBARANYU (DECEASED)

JANE WANGECI GITARI APPLICANT

VS

GITARI GACHOKI 1ST RESPONDENT

JAMES GITHINJI..... 2ND RESPONDENT

PAULINE WANDAMA..... 3RD RESPONDENT

WARUI KIURA..... 4THRESPONDENT

RULING

1. The Court has noted that there is a Confirmed Grant of the Court issued on 22/10/2024 in which the estate asset Mwea/Murinduko/352 is distributed to Gitari Gachoki Mbaranyu 2.75 acres, James Githinji and Pauline Wandama Gachoki 5.5 acres in equal shares and Warui Kiura 2.7 acres. There is no provision for Susan Muthoni Muthee's (Deceased) children.
2. By the Application dated 27/05/2025, the Applicant – Jane Wangechi Gitari with the consent of other children of the late Susan Muthoni seeks to be joined to the succession case to enable them pursue the interest of their mother in the Estate of the Deceased herein. It is claimed that their deceased mother was a daughter of the deceased herein Gachoki Mbaranyu. The Applicant filed a Further Affidavit of 10/11/2025 attaching a Grant *Ad Litem* in the Estate of Susan Muthoni Muthee in Kerugoya CM Succession Cause No. E032 of 2025 on 04/11/2025.
3. The 3rd Respondents opposed the application by Replying Affidavit of 25/07/2025 urging that the matter is finalised.
4. By an Affidavit of Protest dated 13/11/2025, the 1st Administrator Gitari Gachoki Mbaranyu has listed the children of the deceased herein Gachoki Mbaranyu as:

- a) Susan Muthoni Muthee (Deceased)
- b) Njoka Gachoki
- c) Warui Kiura
- d) Pauline Wandama
- e) Gitari Gachoki Baranyu
- f) James Githinji Gachoki:

and proposes that 1 Acre goes to each sister.

- 5. The Court finds merit in the application for the joinder of the Applicant who has obtained Letters of Administration for the Estate of her deceased mother, daughter of the Deceased herein, to enable her pursue their share of the Estate for her later mother's house.
- 6. As the grant has already been confirmed as observed above, the Applicant must seek revocation/rectification of the Confirmed Grant to address the issue of the share of Susan Muthoni Muthee in the Estate, as she may be advised.
- 7. The Court notes that beneficiaries Gitari Gachoki and Warui Kiura did not object to the application for joinder.

ORDERS

- 8. As there probably is no pending before the Court any application for revocation for revocation or rectification of the Confirmed grant, the Court will only allow the application for joinder herein dated 27/5/2025, with directions on any application as may be filed being taken on a date to be fixed at the Registry.

Order accordingly.

DATED AND DELIVERED THIS 12TH OF FEBRUARY 2026.

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Mr. Mwagiru for Mr. Kagio for the 3rd respondent.

Jane Wangechi Gitari, Applicant in person.

Mr. Gitari Gachoki 1st Respondent in person.

Ms. Pauline Wandama, Present.

Ms. Warui Kiura, 4th Respondent in person.