



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYANDARUA

PROBATE & ADMINISTRATION CAUSE NO. E019 OF 2025

IN THE MATTER OF THE ESTATE OF:

GRACE NYAMBURA MWANGI..... DECEASED

BETWEEN

HANNAH WAMBUI NG'ANG'A..... PETITIONER

AND

MARY NYAMBURA MACHARIA..... RESPONDENT

RULING

1. Mary Nyambura Macharia filed an objection to the issuance of the grant dated 11th day of April 2025.
2. The objection is based on the following grounds:
 - a) The deceased never left behind any will, as purported by the petitioner, and thus died intestate.
 - b) The deceased had no child surviving her at the time of her demise, and the objector is the only surviving beneficiary of the estate of the deceased.
 - c) The objector is the only close relative of the deceased, as she was married to the late Macharia Gathamba, who was a brother of the deceased Grace Nyambura Mwangi.
 - d) The petitioner did not obtain an introduction letter from the area chief, who is aware of the surviving beneficiary/beneficiaries of the estate of the deceased Grace Nyambura Mwangi.
 - e) The petitioner is not related to the deceased in any way as purported and has no capacity whatsoever to petition for the grant of probate and to be appointed as the administrator herein.

- f) The objector has fraudulently been left out as the one who should petition, be appointed as the administrator and benefit from the estate of the deceased Grace Nyambura Mwangi.
 - g) The deceased Grace Nyambura Mwangi died intestate, and the objector is the sole beneficiary, entitled to participate and share in the estate of the deceased.
3. The petitioner opposed the objection on the grounds that:
 - a) The objector, being a sister-in-law of the deceased, lacks the capacity in this matter to lay her claim.
 - b) There was a valid will of the deceased.
4. Hannah Wambui Ng'ang'a, the petitioner, sought inheritance of Grace Nyambura Mwangi's property as a representative of Dedan Gachanga Kigotho's estate, her deceased husband. She claims Grace Nyambura Mwangi adopted Dedan Gachanga Kigotho because she was childless. She claimed that the adoption ceremony was held on 25th January 2004.
5. The objector disputed the alleged adoption.
6. Within the Gikuyu Community, adult males could be adopted. Such adoptions were driven by a close relationship between the “mūciari” (adopting parent) and the mūciarwa (adopted son), aimed at strengthening one’s mbarĩ (family) and mūhĩrĩga (clan). (Karanja, J. K. (1999). *Founding an African faith: Kikuyu Anglican Christianity, 1900-1945. Nairobi: Uzima Press.*
7. The adoption ceremony was very elaborate and was conducted by the elders of the adopting clan. What the petitioner described did not qualify as an adoption ceremony.
8. A chief’s letter, though not a legal requirement, is very important in a succession cause. In the case of **Ayako v Oronje [2024] KEHC 7641 (KLR)**, the court observed that;

The courts, traditionally, require the chiefs to assist the court to ascertain the immediate kindred of a Deceased person. The chiefs are considered reliable, as it is expected that he/she is well acquainted with the residents of their location.
9. It is safe to conclude that the petitioner herein failed to provide the chief’s letter, for she was aware that her claim could not have been sustained.

10. The document relied upon by the petitioner has significant issues that require clarification. It seems to have been drafted on multiple occasions and by various individuals. Some details appear to have been added by a different person, raising suspicion. The translated version compounds these concerns, introducing information not present in the original. As a result, it fails to meet the criteria of a valid will.
11. Having made a finding that the petitioner's husband's purported adoption did not conform with the Gikuyu custom, the petitioner lacks the capacity to file the petition in respect of the estate of Grace Nyambura Mwangi. She has no kinship with the deceased.
12. Mary Nyambura Macharia. The objector has established that she is a relative of the deceased, Grace Nyambura Mwangi. Though she had not obtained the necessary grant, this is an apt matter to invoke the provisions of Article 159 (2), (d) of the Constitution which states:

In exercising judicial authority, the courts and tribunals shall be guided by the following principles—

justice shall be administered without undue regard to procedural technicalities;

13. The objection is sustained, and the petition herein is struck out with costs.

Delivered and signed at Nyandarua, this 22nd day of April 2026

KIARIE WAWERU KIARIE

JUDGE