



REPUBLIC OF KENYA



**In re Estate of Aram Mutema Mbui (Deceased) (Probate & Administration E134 of 2026) [2026] KEHC 5518 (KLR) (Family) (30 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5518 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY**

**PROBATE & ADMINISTRATION E134 OF 2026**

**H NAMISI, J**

**APRIL 30, 2026**

**IN THE MATTER OF THE ESTATE OF ARAM MUTEMA MBUI (DECEASED)**

**IN THE MATTER OF**

**LUCY WARUGURU MUTEMA ..... 1<sup>ST</sup> PETITIONER**

**DAVID MBUI MUTEMA ..... 2<sup>ND</sup> PETITIONER**

**CHARLES MACHARIA MUTEMA ..... 3<sup>RD</sup> PETITIONER**

**KAREN MUTHONI MUTEMA ..... 4<sup>TH</sup> PETITIONER**

**RULING**

1. The Deceased herein passed away on 14 January 2026 in Karen, Nairobi. He died intestate. The Petitioners lodged their Petition for Grant of Letters of Administration Intestate alongside this Petition for Special Limited Grant, in their capacity as widow, sons and daughter of the Deceased. They wish to have a Special Grant limited for purposes of allowing the 1<sup>st</sup> Petitioner to access and withdraw a sum of Kshs 4,597,020/- from the Deceased's bank account held at Development Bank of Kenya, to enable them complete construction of a residential house situated at Difatha, Kirinyaga County on LR No. Ngariama/Lower Ngariama/1760.
2. The Petition is supported by an Affidavit sworn by the 1<sup>st</sup> Petitioner, who avers that at the time of his death, the Deceased had commenced construction of a residential house in Kirinyaga County, which was to be their family home. The said property comprises part of the estate of the Deceased, as evidenced by the copy of title annexed thereto. The 1st Petitioner depones that although the roofing timber had been installed at the time of the Deceased's passing, the construction has since stalled, thus at risk of damage and wastage due to the recent prolonged rains.
3. Annexed to the Petition is letter dated 11 February 2026 from the Chief, Langata Location confirming the Petitioners as the dependents of the Deceased. There are photos of the construction site and Bill



of Quantities from Dismas Nandwa, Quantity Surveyor. The 1st Petitioner is certain that the funds in the named bank account are sufficient to complete the construction.

4. Further, the Petitioners all appeared before this Court, consenting to the said Application.
5. Sections 54 and 67 (1) of the Law of Succession Act, and Rule 36 of the Probate and Administration Rules provide the circumstances under which a Special Limited Grant may be issued by the Court.
  - (54) A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act.
  - (67) (1) No grant of representation, other than a Limited Grant for Collection and Preservation of Assets, shall be made until there has been published notice of the application of such grant, inviting objections thereto to me made known to the court within a specified period of not less than thirty days from the date of publication, and the period so specified has expired.
  - (36)(1) Where, owing to special circumstances the urgency of the matter is so great that it would not be possible for the court to make a full grant of representation to the person who would by law be entitled thereto in sufficient time to meet the necessities of the case, any person may apply to the court for the making of a grant of administration ad colligenda bona defuncti of the estate.
6. I have considered the Application and attachments. The Petition for Grant of Letters of Administration estimates the value of the Deceased's vast estate to be approximately Kshs 402 million.
7. In order to preserve this particular asset of the estate, the access granted to the 1<sup>st</sup> Petitioner shall be limited to Development Bank of Kenya Account No. 00XXXXXXX49 to the tune of Kshs 4 million, which funds are to be utilised strictly for the completion of construction on the aforementioned property.
8. Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
9. In summary, I invoke the powers vested in this Court by Rule 73 of the Probate and Administration Rules and make the following orders:-
  - i. A Special Limited Grant is hereby issued to the 1<sup>st</sup> Petitioner only for purposes of completing construction of the residential house erected on LR No. Ngariama/Lower Ngariama/1760, Difatha, Kirinyaga County;
  - ii. Access to and operation of the Deceased's Account no. 00XXXXXXX49 held Development Bank of Kenya to a maximum of Kshs 4 million for purposes completing construction on property in Order (i);
  - iii. The Petitioners will be required to present a full account of the funds at the time of confirming the Grant.
  - iv. This being a family matter I make no orders on costs.
10. The Manager of Development Bank of Kenya Ltd shall be served with this Order for compliance.

**DATED AND DELIVERED AT NAIROBI THIS 30 DAY OF APRIL 2026**

**HELENE R. NAMISI**

**JUDGE**

Delivered on virtual platform in the presence of:



For Petitioners:

Court Assistant: Lucy Mwangi

