

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT CHUKA
MISC. SUCCESSION CAUSE NO. E012 OF 2021
IN THE MATTER OF THE ESTATE OF FRANCIS
NJOKA MWATHANI (DECEASED)

**ALICE CIANGAI
MBAKA.....APPLICANT**

VERSUS

PATRICK CHABARI NGAI.....1ST RESPONDENT
EUSTACE MICHENI NGAINE.....2ND
RESPONDENT

RULING

1. The Applicant filed summons dated 5th March, 2025 seeking a substantive order that Grace Gakii Mbaka do substitute Alice Cinagai Mbaka as the Interested Party in this cause.
2. The Application is premised on the grounds that:-
 - (i) That the interested Party/Applicant passed away on 21st April 2023.
 - (ii) That the GRACE GAKII MBAKA has taken our Letters of Administration in respect of the

estate of the said deceased limited to representing her in these proceedings.

(iii) That no party shall suffer any prejudice should the orders sought herein be granted.

3. In support of the summons, the Applicant filed a supporting affidavit in which she deposed that Alice Ciangai Mbaka (Interested Party) passed away on 21st April 2023; that her estate was desirous of proceeding with the matter; she stated that she had obtained a limited grant for that purpose, and; that it was in the interest of justice that the prayer sought be granted.

4. The Application came up for hearing on 10th March, 2026. Mr. Mureithi, appearing for the Applicant submitted that he had served the Respondent and they had not responded to the Application. Upon being satisfied that the Respondents had been served, the court allowed the Applicant to urge the Application.

5. I have looked at the proceedings. Alice Ciangai Mbaka (now deceased) was the Applicant in Misc. Succession Cause Application No.12 of 2021 pending before this court. The Applicant Grace Gakii Mbaka has obtained Letters of Administration *Ad Litem* to protect the interest of the estate of Alice Ciangai Mbaka (now deceased).

6. There is no opposition to the Application.

7. I am satisfied that the Applicant having demonstrated that their kin has since passed on and having obtained a limited grant to continue the litigation in this succession cause, should be granted the orders sought.

8. The Application is allowed.

Orders accordingly,

**Ruling delivered, dated and signed at Chuka
this 6th day of May, 2026.**

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R. LAGAT-KORIR
JUDGE

Ruling delivered in the presence of Mr. Mureithi for the Applicant and Mr. Njeru Ithiga for 2nd Interested Party; N/a 1st Respondent acting in person; Muriuki (Court Assistant).

ORIGINAL