



**In re Estate of Titus Ngungi Mbaka (Deceased) (Succession Cause
1808 of 2007) [2025] KEHC 5078 (KLR) (Family) (30 April 2025) (Directions)**

Neutral citation: [2025] KEHC 5078 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1808 OF 2007
HK CHEMITEI, J
APRIL 30, 2025
IN THE MATTER OF THE ESTATE OF TITUS NGUGI MBAKA (DECEASED)**

BETWEEN

JANE NJERI NGUGI APPLICANT

AND

DANIEL NJOROGE NGUGI 1ST RESPONDENT

PETER KIARIE NGUGI 2ND RESPONDENT

DIRECTIONS

1. I have perused the application dated 5th May 2022 by the Applicant herein as well as the replying affidavits by the Respondents.
2. The entire issue herein is the interpretation of the Will vis a vis the actual position on the grounds regarding the deceased's homestead. The court is unable to appreciate the issues properly and more specifically the Will as relates to how the sub division of the parcel comprising the homestead ought to be undertaken based on the rival affidavits.
3. I therefore direct that oral evidence be taken for the parties to enlighten the court on how they understood the Will and more importantly the situation on the ground.
4. For the above reasons I direct that:-
 - (a) Let there be stay of execution of the grant issued on 27th November 2007 pending the oral hearing and determination of the matter herein.
 - (b) Status quo on the ground be maintained in the meantime.



- (c) The parties each granted 30 days to file and serve each other with any witness statement or documentary evidence.
- (d) The Applicant shall be the Plaintiff and the Respondents the Defendants.
- (e) An appropriate date be taken at the registry before any of the courts on priority basis.
- (f) Costs in the cause.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 30TH DAY OF APRIL 2025.

H K CHEMITEI

JUDGE

