



REPUBLIC OF KENYA



**In re Estate of Beth Wanjiru Hihu - Deceased (Succession Cause E985 of 2024) [2025] KEHC 10954 (KLR) (Family) (26 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 10954 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE E985 OF 2024  
CJ KENDAGOR, J  
JUNE 26, 2025  
IN THE MATTER OF THE ESTATE OF BETH WANJIRU  
HIHU - DECEASED**

**BETWEEN**

**MARY WANGUI HIHU ..... APPLICANT**

**AND**

**SAMUEL MAHUGU HIHU ..... 1<sup>ST</sup> RESPONDENT**

**MOSES HIHU MAHUGU ..... 2<sup>ND</sup> RESPONDENT**

**GRACE WAMBUI MAHUGU ..... 3<sup>RD</sup> RESPONDENT**

**TITUS MWAI MAHUGU ..... 4<sup>TH</sup> RESPONDENT**

**BUSINESS REGISTRATION SERVICES ..... 5<sup>TH</sup> RESPONDENT**

**DIAMOND TRUST BANK ..... 6<sup>TH</sup> RESPONDENT**

**HABIB BANK AG, ZURICH KENYA ..... 7<sup>TH</sup> RESPONDENT**

**AFRICA BANKING CORPORATION ..... 8<sup>TH</sup> RESPONDENT**

**RULING**

1. The Applicant petitioned this Court for Letters of Administration ad colligenda bona and the Court issued the Special Limited Grant limited only for the purposes of consolidating, collecting and preserving the estate of the deceased with no power to utilize or distribute the assets.
2. The Court also issued the following directions simultaneously regarding an application dated 25<sup>th</sup> November, 2024;



1. That Grant ad Colligenda Bona is hereby issued to the Petitioner/Applicant in terms of the following assets;
    - (a) Account held at Diamond Trust Bank
    - (b) Account held at Habib Bank AG Zurich
    - (c) Account held at Africa Banking Corporation (ABC Bank)
    - (d) 200 Shares in Hihu & Beth Investments Limited.  
Limited to Accounts in the name of the deceased, Beth Wanjiru Hihu only.
  2. That Grant ad Colligenda Bona is only for the purposes of consolidating/collecting and preserving the Estate of the deceased with no power to utilize or distribute the Assets.
  3. That the Grant ad Colligenda Bona is hereby limited to 60 days and shall stand revoked at the expiry of the 60 days unless there are orders of the Court to the contrary.
  4. That the Petitioner to present petition for full grant or such other beneficiaries as with equal priority before the mention date for directions on the estate.
  5. That an ex parte order is hereby issued granting Mary Wangui Hihu access to the bank accounts held by the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, Respondents or any other Bank within the Republic of Kenya, limited to the Accounts in the name of the deceased, Beth Wanjiru Hihu only, for purposes of obtaining certified copies of the account statements.
  6. That an order is hereby issued directing the 5<sup>th</sup> Respondent to grant Mary Wangui Hihu access to the Company records in relation to Hihu & Beth Investments Limited
  7. That mention on 6<sup>th</sup> May, 2025 for directions on the estate.
3. The Applicant has presently moved the Court via an application dated 25<sup>th</sup> April, 2025 seeking the following orders;
1. That the Honourable Court be pleased to certify this application extremely urgent and proceed to consider the same ex-parte in the first instance;
  2. That an order do issue directing the 7<sup>th</sup> Respondent to provide further particulars of the depositors and recipients of funds for account No. 09-01-03-20610-546-133098 held at Habib Bank for transactions effected on diverse dates on 8<sup>th</sup> February, 2019, 17<sup>th</sup> November, 2020, 18<sup>th</sup> June 2021, 9<sup>th</sup> December, 2021 and 15<sup>th</sup> April 2024.
  3. That an order do issue to the 8<sup>th</sup> Respondent to provide further particulars of the depositors and recipients of funds for account No. 001215001005180 held at African Banking Corporation Limited for transactions effected on 8<sup>th</sup> January, 2020, 13<sup>th</sup> January, 2020, 18<sup>th</sup> June ,2021, 21<sup>st</sup> September ,2022, 22<sup>nd</sup> September 2022, 24<sup>th</sup> October, 2022, 23<sup>rd</sup> November, 2022, 24<sup>th</sup> November 2022, 27<sup>th</sup> March, 2023, 3<sup>rd</sup> June, 2023, 12<sup>th</sup> June 2023, 8<sup>th</sup> December 2023, 11<sup>th</sup> September 2024, 12<sup>th</sup> September, 2024 and 10<sup>th</sup> February, 2025.
  4. That an order do issue to the 8<sup>th</sup> Respondent to provide further particulars of the recipients of funds for account No. 00124-----00401 held at African Banking Corporation Limited for transactions effected on 17<sup>th</sup> November 2020, 18<sup>th</sup> June, 2021 and 19<sup>th</sup> January, 2022.



5. That an order do issue to the 8<sup>th</sup> Respondent to provide further particulars of recipient of funds withdrawn from account No. 001-----0001 held at African Banking Corporation Limited for transaction effected on 30<sup>th</sup> May, 2018.
  6. That the Honourable Court be pleased to issue an order directing the 7<sup>th</sup> Respondent avail better and further particulars of the recipients and depositors for the transactions conducted in (2) above to Mary Wangui Hihu, the Applicant herein.
  7. That the Honourable Court be pleased to issue an order directing the 8<sup>th</sup> Respondent avail better and further particulars of the recipients and depositors for the transactions conducted in (3), (4) and (5) above to Mary Wangui Hihu, the Applicant herein.
  8. The Court be pleased to make such other further orders as may be just and expedient in the circumstances to meet the overriding objectives.
  9. Costs of this Application be provided for.
4. The Applicant also made an oral application at the hearing for the extension of the grant ad colligenda bona for a further 30 days.
  5. Only the 8<sup>th</sup> Respondent participated in the application. The Counsel for the 8<sup>th</sup> Respondent informed the Court that they were not opposed to the Application.
  6. The remaining Respondents were duly served, and an affidavit of service has been filed.
  7. The Applicant confirmed that the 6<sup>th</sup> to 8<sup>th</sup> Respondents provided her with the bank statements as directed in the previous order. She expressed, however, that after carefully examining these statements, she is seeking additional clarification concerning several of the transactions referenced in the application.
  8. The Applicant has annexed correspondences showing that the Bank Respondents conveyed their position regarding the request for more detailed particulars, indicating that such a request fell outside the parameters of the previously issued orders. This situation has necessitated the Applicant's recourse through the current application.
  9. After reviewing the application, I am convinced that the orders being sought will aid the Applicant in fulfilling the duties assigned under the Special Limited Grant. Thus, I find the request warranted. Furthermore, I see substantial grounds for granting an extension of the Special Limited Grant for an additional 30 days, which will provide the Applicant with the necessary time to effectively carry out the role assigned by the special limited grant.
  10. The Application dated 25<sup>th</sup> April, 2025 is allowed.
  11. The Special Limited Grant - Ad colligenda Bona is extended for an additional 30 days.
  12. The matter shall be mentioned in the new term to confirm the filing of the Petition for full grant.
  13. Costs to be borne by the Estate.
  14. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 26<sup>TH</sup> DAY OF JUNE, 2025.**

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**C. KENDAGOR**

**JUDGE**

In the presence of:

Court Assistant: Beryl

Ms. Muthoni, Advocate holding brief for Mr. Michuki, Advocate for the Applicant

Mr. Juma, Advocate for the 8<sup>th</sup> Respondent

