



**In re Estate of Waithira Maina (Deceased) (Succession Cause  
489 of 1998) [2025] KEHC 11619 (KLR) (30 July 2025) (Directions)**

Neutral citation: [2025] KEHC 11619 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
SUCCESSION CAUSE 489 OF 1998**

**JM NANG'EA, J**

**JULY 30, 2025**

**IN THE MATTER OF THE ESTATE OF WAITHIRA MAINA (DECEASED)**

**BETWEEN**

**JAMES WANYIRI ..... 1<sup>ST</sup> ADMINISTRATOR  
HANNAH WANJIRU ..... 2<sup>ND</sup> ADMINISTRATOR  
JOHN MWANGI KAHONO ..... 3<sup>RD</sup> ADMINISTRATOR  
HENRY NJUGUNA KAHONO ..... 4<sup>TH</sup> ADMINISTRATOR**

**AND**

**ANTONY MAINA KIMANI ..... 1<sup>ST</sup> CREDITOR  
EVELINE WARIARA NGUGI ..... 2<sup>ND</sup> CREDITOR  
SAMMY KAMAU CHEGEH ..... 3<sup>RD</sup> CREDITOR  
JOSEPH WAWERU WANGUI ..... 4<sup>TH</sup> CREDITOR  
FLORENCE WAMBUI IKUMU ..... 5<sup>TH</sup> CREDITOR**

**DIRECTIONS**

1. On 9<sup>th</sup> July 2025 when this matter came up for mention for the court to be apprised of progress, if any, in finalization of transmission of the Estate, Counsel for the Administrators of the Estate (Mr. Mwangangi) informed the Court that the process was not complete. Mutation forms in respect of subdivision of landed property comprising the Estate had, however, been filed according to Mr. Mwangangi. Survey of the property was therefore said to be ongoing and Counsel sought more time to complete transmission of the Estate to beneficiaries.



2. Mr. Mbutia Advocate for some Beneficiaries and Creditors of the Estate opposed extension of time. Counsel pointed out that the Administrators had not even complied with an earlier court order to remove the name of a deceased Administrator from the Grant herein following an order for his substitution , and therefore the proceedings were said to be irregular.
3. Mr. Mbutia further lamented that despite the warning given to the Administrators to complete the process, they did not take heed. Counsel wanted directions given by the court on 16<sup>th</sup> December 2024 to take effect.
4. Ms Mukira Advocate for other Beneficiaries and Creditors of the Estate did not address the court.
5. Mr. Mwangangi in his rejoinder denied delay in completion of transmission process, observing that the Estate had already been declared as transmitted.
6. The Court then intimated that it would give a Ruling or further directions today. Indeed the Administrators have caused delay to conclude this matter considering its age and the many mentions to monitor the transmission process. Before issuing further necessary orders, I will hear from the parties on whether or not any progress has since been made.

**J. M. NANG'EA, JUDGE.**

**RULING/DIRECTIONS GIVEN THIS 30<sup>TH</sup> DAY OF JULY, 2025 IN THE PRESENCE OF:**

Mr Mwangangi Advocate for the Administrators.

Mr Mbutia Advocate for Creditors/Beneficiaries.

Ms Waichinga Advocate for Ms Mukira Advocate for Creditors/Beneficiaries.

C/A (Jeniffer)

**J. M. NANG'EA, JUDGE.**

