



**In re Estate of Edith Wanjiku Kamau (Deceased) (Succession Cause  
1846 of 2001) [2024] KEHC 1997 (KLR) (Family) (29 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1997 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 1846 OF 2001  
HK CHEMITEI, J  
FEBRUARY 29, 2024  
IN THE MATTER OF THE ESTATE OF EDITH WANJIKU KAMAU  
(DECEASED)**

**BETWEEN**

**FRANCIS NJENGA KAMAU & 2 OTHERS ..... APPLICANT**

**AND**

**JACKSON NGIGI KAMAU ..... RESPONDENT**

**RULING**

1. In their application dated 16<sup>th</sup> June 2023 the applicants pray for orders that the petitioner herein Jackson Ngigi Kamau be ordered to produce and deliver to the court registry the original will of Edith Wanjiru Kamau (deceased) referred to in his application for grant of probate of the written Will herein within 7 days for inspection by the objectors' counsel.
2. The application is based on the grounds thereof and the affidavit of Francis Njenga Kamau sworn on the same date.
3. The gist of the application is that the applicants have been unable to see and peruse the original will of the deceased that the respondent used in this cause and had the grant issued and later confirmed in his favour.
4. The respondent *vide* the grounds of opposition dated 7<sup>th</sup> July 2023 has opposed the said application on the grounds among others that the said will is on record and that the applicants are at liberty to peruse. They also accused the applicants of mischief as they have brought this matter twenty years later after the grant was confirmed.



5. The court directed the parties to file written submissions and the applicant apparently alone filed the same. I have perused the submissions on record together with the cited authorities.
6. The court has had occasion to peruse the court file and contrary to the applicant's allegations the said original will dated 19<sup>th</sup> July 1994 is on record. Various copies have been made and I think that it was non diligence of the applicants and their counsel that led to this application.
7. In the premises and for the reason stated above the application is unmeritorious and the same is dismissed with costs.
8. The applicants and their counsels be at liberty to inspect the said original will at their convenience and make an appropriate copy if need be.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 29<sup>TH</sup> FEBRUARY 2024**

**H K CHEMITEI.**

**JUDGE**

