

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT MACHAKOS**  
**SUCCESSION CAUSE NO 19 OF 2001**  
**IN THE MATTER OF THE ESTATE OF THE LATE KAMUYA**  
**MUSYOKI MUTULILI (DECEASED)**

**JAMES KATHINGA KAMUYA**

**TERESIA MBULA KAMUYA .....  
ADMINISTRATORS**

**VERSUS**

**JAMES KITHINGA KAMUYA .....APPLICANT**

**RULING**

1. By the Amended Chamber Summons dated 14<sup>th</sup> February 2025 the Applicant seeks orders that:-

***“a. The confirmed grant issued to JAMES KITHINGA KAMUYA and TERESIA MBULA KAMUYA who is now deceased be rectified to remove the deceased Administratrix and replace her with MARIA KANINI KAMUYA***

***b. The confirmed grant of representation issued on 8/3/2002 in the joint names of the Applicant and the deceased be rectified accordingly and the Estate’s property be shared as shown in the schedule attached.***

***c. The named of the beneficiaries who died while in the administration of the Estate was on be removed and be replaced as follows;***

***i. Gregory Kilonzo Kathilu (deceased) be replaced by Bernard Mutua Kilonzo (son).***

***ii. Peter Nzwili died, has no family and should be removed.***

***iii. Teresiah Ndululu Muinde (deceased) be replaced by Muia Muinde.***

***d. Cost of this Application be in the cause.”***

2. The Summons were supported by an affidavit sworn by the Applicant who contended that TERESIA MBULA KAMUYA died on 28/06/2002 and the court was asked to replace her name with MUIA MUINDE. That the beneficiaries have consented to the removal of the name of ANASTACIA MUENI KAMUYA from the list of beneficiaries since she left home about 3 years ago. That the estate of GREGORY KILONZO KATHILU who died on 27/01/2006 be replaced by BENARD MUTUA KILONZO.

3. The Chamber Summons is not opposed.

4. I have considered the Chamber Summons as well as the court record. I have seen the death certificate dated 7<sup>th</sup> September 2016 that confirms that Teresia Mbuka Kamuya died on 28<sup>th</sup> July 2002. I will therefore grant the order to substitute her name with that of Maria Kanini Kamuya.

5. I have also seen the death certificate dated 5<sup>th</sup> July 2024 which confirms that Teresiah Ndululu Muinde died on 25<sup>th</sup> April 2023. Her name will be replaced with that of Muia Muinde.
6. I have also seen the death certificate dated 25<sup>th</sup> January 2006 that confirms that Gregory Kilonzo Kathilu died on 25<sup>th</sup> January 2006. His name will be replaced with that of Bernard Mutua.
7. As regards Peter Nzwii, there is a letter from the chief dated 17<sup>th</sup> October 2014 that states that the whereabouts of his family are unknown. This cannot be proof of death. Surely more efforts and steps could have been taken. In the letter, it is indicated that his family was displaced and moved to an unknown place but in the chamber summons, the Applicant contends that he has no family. His interest cannot be taken away on such basis, his name will not be removed. If the family wishes, it can have him presumed dead in the manner provided by the law. A mere assertion cannot suffice.
8. It is contended that the name of one Anastacia Kamuya Kathilu should be removed because she left home three years ago but the court has not been told who she is, where she went to and what efforts have been made to trace her. Also, from the list of beneficiaries, that name does not appear. It is not clear what role she plays in this estate for

the court to address her plight or find otherwise. In the end, I direct as follows;

1. The certificate of confirmed grant issued on 8<sup>th</sup> March 2002 is rectified as follows;

***a. The name of TERESIA MBULA KAMUYA (deceased) will be replaced with MARIA KANINI KAMUYA.***

***b. The name of Gregory Kilonzo Kathilu (deceased) will be replaced by Bernard Mutua Kilonzo (son) as a beneficiary.***

***c. Teresiah Ndululu Muinde (deceased) will be replaced by Muia Muinde as the beneficiary.***

***d. The name of Peter Nzwii shall be retained.***

***e. Rectified forms 41 and 54 to issue.***

***f. The Administrators to complete administration of the estate and make account after six months.***

Orders accordingly.

**Ruling signed, dated and delivered virtually on this 27<sup>th</sup> day of November 2025.**

**E N MAINA  
JUDGE**

**IN PRESENCE OF:**

Ms Mjambili for the Administrators

C/A: Geoffrey