



In re Estate of Wilson Maraka Murunga (Deceased) (Succession Cause 360 of 2009) [2023] KEHC 18188 (KLR) (28 February 2023) (Ruling)

Neutral citation: [2023] KEHC 18188 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE 360 OF 2009
REA OUGO, J
FEBRUARY 28, 2023**

IN THE MATTER OF THE ESTATE OF WILSON MARAKA MURUNGA (DECEASED)

BETWEEN

JULIUS KAKAI MURUNGA 1ST PETITIONER

SUSAN MUKHWANA MARAKA 2ND PETITIONER

AND

JULIUS KAKAI MURUNGA RESPONDENT

RULING

1. *Vide* application dated May 4, 2022 the applicant Johnstone Kakai Maraka seeks to be made administrator of the deceased's estate. He is the son of the deceased. He claims that the current administrator who is their uncle is forcing them to give him a share of their estate. He claims that he has the support of their entire family.
2. The respondent Julius Kakai informed the court that he has no objection if the family has decided that and that he has a beneficial interest in plot No 723.
3. The *Law of Succession Act* is clear on who can be administrator. Being a son of the deceased the application ...priority as one to be an administrator. Its evidenced that he has the support of the entire family. Some of them appeared in court and informed the court that they would rather have the application as the legal administrator.
4. To enable the parties move on with the administration of the deceased I will grant the orders sought. Johnstone Kakai will now be the administrator of the deceased's estate being the son of Wilson Maraka. I therefore revoke the grant of letters of administration intestate issued to Julius Kakai Murunga on the September 18, 2009. A fresh grant shall issue in the names of Johnstone Kakai Maraka.



5. The respondent claims he has a beneficial interest in plot No LR Ndivisi/Mihuu/723. Let him file his statement/affidavit to support the same. No orders as to costs.

R.E. OUGO

JUDGE

28/2/2023

Before: R.E Ougo J

Wilkister C/A

Parties present: Julius Kakai and Johnstone Kakai

Court: Ruling read in open court on the 28.2.2023.

