



REPUBLIC OF KENYA



**In re Estate of Mukholo Wamukoya (Deceased) (Succession Cause 189 of 2016) [2023] KEHC 2698 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2698 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
SUCCESSION CAUSE 189 OF 2016**

**WM MUSYOKA, J**

**MARCH 24, 2023**

**IN THE MATTER OF THE ESTATE OF MUKHOLO WAMUKOYA (DECEASED)**

**RULING**

1. In my ruling of February 4, 2022, I identified the children of the deceased to be 2 sons, being Dismas Ochieng Muholo and Mika Amwayi Muholo. I expected that the administrators, in their proposals on distribution, would have identified the children of each of the 2 dead sons of the deceased. What they have done is to put all of them in one group, and I cannot tell which of the persons listed come from the family of Dismas Ochieng Muholo and who come from the side of Mika Amwayi Muholo.
2. To obviate further delay in the matter, and as the administrators did not group the survivors according to their fathers, I shall proceed to distribute the estate strictly between the 2 sons, that is to say, Dismas Ochieng Muholo and Mika Amwayi Muholo. Thereafter, succession causes shall be initiated in the estates of Dismas Ochieng Muholo and Mika Amwayi Muholo, for distribution of the estates amongst the members of each of the 2 households.
3. Marama/Shibembe/998, the property of the estate of Omuholo Wamukoya, shall be shared out equally between the estates of Dismas Ochieng Muholo and Mika Amwayi Muholo. A certificate of confirmation of grant shall issue accordingly. The motion, dated October 25, 2022, is disposed of in those terms.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS 24<sup>th</sup> DAY OF MARCH 2023**

**WM MUSYOKA**

**JUDGE**

**Mr. Erick Zalo, Court Assistant.**

**William Oduor and Margaret Adhiambo Odundo, the administrators, in person.**

