



REPUBLIC OF KENYA



**In re Estate of Hezron Amulabu Mwanje (Deceased) (Succession Cause
169 of 2014) [2023] KEHC 27490 (KLR) (31 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 27490 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 169 OF 2014
SC CHIRCHIR, J
MAY 31, 2023**

IN THE MATTER OF THE ESTATE OF HEZRON AMULABU MWANJE - DECEASED

RULING

1. The application coming up for determination is the summons for confirmation of grant dated 8th July 2021.
2. When the matter came up for hearing on 11.5.2023, the beneficiaries informed the court they had agreed on the mode of distribution of the deceased property. The mode of distribution is contained in paragraph 5 of the supporting affidavit sworn by the Administrator on 8.7.2021. There is also a consent filed alongside, consenting to the distribution.

Determination

3. On 3rd October, 2019 a Grant of letters of Administration Intestate of the Estate of Hezron Amulabu Mwanje (deceased) was issued to Elijah Musayi Amulabu (petitioner). In the present application, the petitioner has listed the beneficiaries as
 - a. Elijah Mbayi Amulabu –(himself) -son
 - b. David Indawa Amulabu – Son
 - c. Fridah Kuya – Daughter in law
 - d. Margaret Murono Amulabu – Daughter
4. It is deponed that there is no application for provision of dependants pending. It is also stated that the only asset available for distribution is the land parcel identified as Title No. Marama/ Shinamwenyuli/93.
5. According to paragraph 5 of the affidavit, and consent signed by the beneficiaries dated 8.7.2021 the beneficiaries have agreed to share the land as follows;-
 - a. Elijah Mbayi Amulabu - 0.31Ha



- b. David Indawa Amulabu – 0.93Ha
 - c. Fridah Kuya & Margaret Murono Amulabu – to share 0.44 ha
6. The mode of distribution is not contested and the beneficiaries informed the court both verbally and by way of a written consent that the mode of distribution proposed, is acceptable.
7. Consequently, I make the following orders
- a. The Grant of letters of Administration Intestate in respect of the Estate of the late Hezron Amulabu Mwanje is hereby confirmed
 - b. The mode of distribution will be as per paragraph 5 of the supporting affidavit dated 8.7.2021
 - c. Fridah Kuya and Margaret Murono Amulabu shall share the 0.44Ha in equal portions
 - d. The certificate of confirmation of grant to issue forthwith

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAKAMEGA THIS 31ST DAY OF MAY, 2023.

S. CHIRCHIR

JUDGE

