



In re Estate of Asman Ndaliro Wamukoya (Deceased) (Succession Cause 547 of 2010) [2023] KEHC 23005 (KLR) (29 September 2023) (Ruling)

Neutral citation: [2023] KEHC 23005 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 547 OF 2010
SC CHIRCHIR, J
SEPTEMBER 29, 2023**

IN THE MATTER OF THE ESTATE OF ASMAN NDALIRO WAMUKOYA (DECEASED)

BETWEEN

MWANAMISI MWALO RAMADHAN APPLICANT

AND

FATUMA ANYANGI OSUNDWA RESPONDENT

RULING

1. What is before this court is an Application for confirmation of Grant dated May 30, 2012. The Application attracted a protest by one of the beneficiaries of the Estate, namely, Mwanamisi Mwalo Ramadhan (the objector).
2. I have Perused the record and observed that some material facts are not available for purposes of writing Judgment. This being an Application for confirmation of Grant, and bearing in mind the need to exhaust all issues relating to the Estate, the need to avoid multiple Applications, further bearing in mind the age of the case, it is necessary that the parties herein avail all materials necessary to enable the court to conclusively determine all the issues appertaining to the Administration of the Estate.
3. I have also taken note of the fact that, prima facie, the Deceased was a polygamist.
4. Consequently, the judgement is held in abeyance and both the Administrator and the Applicant are directed to file further Affidavits for purposes of the following:
 - a). To provide an exhaustive list of the survivors of the deceased, clustered as per the “houses”. The list should cover both the sons and daughters, including those who have since died, if any. For the Deceased survivors, the list of their children to be provided.



- b). All the properties of the deceased accompanied by supporting documents in form of search certificates or copies of certificates of Title or Title Deeds, Grants, as the case may be. It should include the Titles arising from the sub-division of South/ wanga / Lureko/ 400.
- c). The above documents to be filed within the next 30 days from the date of this ruling.

DATED, SIGNED AND DELIVERED IN AN OPEN COURT THIS 29TH DAY OF SEPTEMBER 2023.

**S.CHIRCHIR,
JUDGE**

In the presence of:

E. Zalo- Court Assisstant.

