



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Ismael Aliaro Mbetu Akama (Deceased) (Succession Cause 145 of 1993) [2022] KEHC 13472 (KLR) (23 September 2022) (Ruling)

Neutral citation: [2022] KEHC 13472 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 145 OF 1993
WM MUSYOKA, J
SEPTEMBER 23, 2022**

RULING

1. The motion for determination is dated May 17, 2021, as amended on June 30, 2021. It seeks orders to compel the administrator to sign documents to facilitate transmission of the share due to Bukolwe secondary school as per the certificate of confirmed grant, and for injunctive relief to stop interference by the administrator with the share due to the school.
2. The grant herein was confirmed on July 21, 2003. A certificate of confirmation of grant issued on July 28, 2003. Bukolwe secondary school was allocated 1 acre out of Marama/Shinamwenyuli/70.
3. It is now over 19 years since the grant herein was confirmed on July 21, 2003. There can be no excuse at all for failure to have the estate transmitted to the beneficiaries named in the certificate of confirmation of grant.
4. There is merit in the motion, dated May 17, 2021, as amended on June 30, 2021. I hereby grant it as prayed. Let the deputy registrar sign the forms as prayed, and let the injunctions sought issue pending transmission of the share due to the school.
5. For the record, this is one of the matters that I inherited from F. Amin J on June 16, 2022. It was due for ruling on February 7, 2022.

RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 23rd DAY OF September 2022

WM MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.

Mr. K. Wangatia, Advocate for the applicant.

Livingstone Masai Aliaro, the administrator, in person.

