



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Obuya Ndunde (Deceased) (Succession Cause
370 of 2006) [2022] KEHC 13471 (KLR) (23 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13471 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 370 OF 2006
WM MUSYOKA, J
SEPTEMBER 23, 2022**

RULING

1. On November 8, 2019, I delivered a ruling herein, where I directed the administrator to file a further affidavit to disclose all the children of the deceased.
2. An affidavit was lodged herein on November 11, 2021, sworn on November 10, 2021, by Miriam Masanganjila Obuya. The same mentioned that the deceased had 24 children, but a schedule of their names was not given. What is given is a schedule of distribution.
3. The deceased died a polygamist. His estate should be distributed according to section 40 of the *Law of Succession Act*, Cap 160, Laws of Kenya. I am not in a position to distribute the estate, until there is a full disclosure of all the persons who survived him, grouped or categorized according to the houses to which they belong.
4. Let the parties comply fully with my directions of November 8, 2019. I shall allocate the matter a date for mention to confirm compliance with those directions.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS 23RD DAY
OF SEPTEMBER, 2022.**

WM MUSYOKA

JUDGE

Erick Zalo, Court Assistant

Lazarus Ndunde Obuya.

Miriam Masanganjila Obuya.

