



REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
(FAMILY DIVISION)
SUCCESSION CAUSE NO 1407 OF 2018
IN THE MATTER OF THE ESTATE OF FLORENCE WACHU MWANGI (DECEASED)
NANCY WANGARI SAMUEL.....APPLICANT

R U L I N G

1. The Applicant petitioned this court on the 15th of October 2018 seeking to be appointed as an administrator in the estate of Florence Wachu Mwangi describing herself as a co-wife of the deceased.
 2. She named her 5 children as survivors of the estate.
 3. The Chief's letter placed in court indicated that the deceased's husband pre-deceased her. It gave no details of the deceased other relatives.
 4. Sometime in May 2019 the file was placed before me and I directed that immediate relatives of the deceased such as her sisters and brothers do appear in court. Twice the matter was before court with no mention of such relatives.
 5. **Section 39** of the **Law of Succession Act Chapter 160** of the **Law of Kenya** provides for those who are to benefit in the estate of a deceased who lives no spouse or children behind to be the following persons in order of priority.
 - a) **Father, or if dead**
 - b) **Mother or if dead**
 - c) **Brothers and sister, and any child or children of deceased brothers and sisters, in equal shares of if none.**
 - d) **Half-brothers and half-sisters and any child or children of the deceased half-brothers and half-sisters, in equal shares or if none.**
 - e) **The relatives who are in the nearest degree of consanguinity up to and including the sixth degree, in equal shares.**
- (2) **Failing survival by any of the above mentioned persons the net intestate estate shall devolve upon the State.**

6. The Applicant's failure to bring forth the relatives of the deceased leaves a lot to be desired and clearly she does not in any way whatsoever fall within the specified categories set above.

7. The petition is therefore declined.

8. The matter is handed over to the Public Trustee to follow up the matter with the area Chief of the place the deceased hailed from in order to locate her immediate relatives who stand to benefit from the Estate.

Dated and Delivered in Nairobi on this 19TH day of DECEMBER, 2019.

ALI-ARONI

JUDGE