



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT GARISSA**

**SUCCESSION CAUSE NO. 24 OF 2016**

**IN THE MATTER OF THE ESTATE OF ADAN ABDULLAHI MANOOR (DECEASED).**

**RULING**

1. Before me is a summons for confirmation of grant dated 18<sup>th</sup> October, 2017 filed by the Public Trustee under Section 71 of the Law Succession Act (Cap. 60) in the estate of the late Adan Abdullahi Manoor.
2. The application was filed before the lapse of the statutory six months period from 28<sup>th</sup> September, 2017 when the initial grant of letters of administration was issued by this court to the Public Trustee.
3. The Assistant Public Trustee Mr. Mioyogo who prosecuted the application however, informed me that the reason why he applied for confirmation of grant before the lapse of the statutory period of six months from the date when the initial grant of letters of administration was issued was that the estate comprised mainly of money in the form of gratuity or terminal benefits from the employer of the deceased, and that the only land asset was to be registered in the name of the widow of the deceased as agreed to by all the children. He thus asked me to allow the application under the provisions of Section 71 (3) of the Law of Succession Act (Cap.60).
4. The Assistant Public Trustee also informed me that the mode of distribution of the assets of the estate had already been determined by the Kadhi's Court at Mandera in accordance with Islamic law of succession and inheritance and that there was no objection to that decision, whose contents had been filed in this succession cause.
5. In attendance in court on the hearing date of the application was Ali Adan Abdullah the second son of the deceased who informed me that he came to represent the family of the deceased in the matter as his mother and other children were far away in Mandera and could not attend court. He had no dispute regarding the distribution of the assets determined by the Kadhi's court.
6. Having considered the above, I am of the view that there is no reason why this court should not confirm the grant of letters of administration herein as I have seen a letter dated 8<sup>th</sup> September, 2016 from the Kadhi's court at Mandera confirming the distribution of the assets of the estate under Islamic law of succession and inheritance.
7. I thus allow the application and order that the letters of administration herein issued to the Public Trustee be and are hereby confirmed. The distribution of the assets will be as has been determined by the Kadhi's court. Certificate of confirmed grant of letters of administration to issue.

**Dated and delivered at Garissa on 14<sup>th</sup> February, 2018**

**George Dulu**

**JUDGE**