

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

SUCCESSION CAUSE NO. 142 OF 2016

IN THE MATTER OF THE ESTATE OF JOSIAH ANGALUSHI MUNYASI (DECEASED)

AND

MILDRED MIGOLI.....PETITIONER/RESPONDENT

AND

SILAS BENGO MUNYASA.....OBJECTOR/APPLICANT

RULING

1. From determination is the summons dated 23rd January 2017. It seeks confirmation of the grant dated 10th August 2016.
2. The deceased herein died on 2nd January 2004. The letter by the Chief of Shisele Location, dated 15th February 2016, indicates that the deceased was survived by five (5) children, all daughters, being MM, CV, BL, PIB and TV. It would appear that the deceased also had a son, who is his himself deceased, and who had a widow, Susana Livasia. TV is stated to be a minor.
3. The petition for letters of administration intestate filed herein on 22nd February 2016 captures all these details, including the fact that the deceased died possessed of a property known as Idakho/Shiseso/[particulars withheld].
4. The confirmation application dated 23rd January 2017 seeks that the only asset of the estate be shared equally between all six survivors of the deceased.
5. I have perused through the record before me, and I have noted that there is no affidavit of protest filed against the confirmation application. So the application is not opposed. The only challenge would have been a revocation application dated 26th January 2017, but the same was withdrawn vide a notice of withdrawal dated 10th March 2017, filed herein on even date.
6. At the hearing on 16th July 2018, only two of the survivors attended court. The application distributes the estate in conformity with section 38 of the Law of Succession Act, Cap 160, Laws of Kenya.
7. I shall accordingly allow the summons dated 23rd January 2017 and confirm the grant herein in the terms proposed. The property shall be shared out equally between the survivors, with the share of the minor, TV, being held by the administrator in trust for her until she attains majority age.

DATED, SIGNED and DELIVERED at KAKAMEGA this 1st DAY OF August, 2018

W. MUSYOKA

JUDGE