

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 2548 OF 2002

IN THE MATTER OF PETER MUTUKU KYONGO (DECEASED)

FRANCISCA MUNINI MBITHE.....PETITIONER

VERSUS

GEORGINA MWENDE MUTUNGA.....1ST RESPONDENT

TABITHA KALEE KYONGO.....2ND RESPONDENT

RULING

1. The deceased Peter Mutuku Kyongo was a senior sergeant with the Kenya Airforce when he died intestate on 26th April 2002. Kshs.391,880/65 was deposited into Barclays Bank of Kenya, Moi Avenue, A/C No. 3520651 by his employer as being his benefits. In a judgment delivered on 22nd April 2014 by Justice L. Kimaru, it was determined that the beneficiaries of the estate were his two widows Georgina Mwendu Mutunga (the 1st respondent) and Francisca Munini Mbithi (the petitioner) and his mother Tabitha Kalee Kyongo (the 2nd respondent). They were the beneficiaries of the estate in equal shares. Consequently, I order that the Kshs.391,880/65 (plus any interest that has since accrued) be disbursed by the bank in equal shares to the three beneficiaries.

2. In these terms the application dated 4th August 2015 is allowed. I make no order as to costs as this is a family matter.

DATED and DELIVERED at NAIROBI this 18TH day of JANUARY 2016.

A.O. MUCHELULE

JUDGE