

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 2548 OF 1999

IN THE MATTER OF THE ESTATE OF ALI ISMAIL MOHAMED- (DECEASED)

RULING

1. The application dated 16th July 2013 is by the administrators of the estate of the deceased. They seek leave to dispose of a landed property which forms part of the estate of the deceased. After the sale the proceeds are to be re-invested.
2. The property sought to be sold is the one described as LR No. 36/VII/34.
3. The grant herein was confirmed on 10th May 2006. It was ordered that the said property, LR No. 36/VII/34, was be held strictly in trust for the two minor children till they attain the age of majority.
4. I note that the property in question is immovable. It is unlikely to depreciate in value. It was ordered that it be held strictly in trust for the two minors.
5. I note that the children in whose benefit the property was to be held in trust by the applicants were sixteen (16) and seventeen (17) years of age in 2006 when the grant was confirmed. Eight (8) years have since lapsed. The said children should be aged twenty-four (24) and twenty-five (25) years respectively by now.
6. The trust ordered on 10th May 2006 was to submit during the minority of the children. They have now attained majority and the said trust no longer submits. The administrators do not now hold the said property in trust for the children. The administrators should be arranging to have the property transferred and vested in the now adult children of the deceased.
7. In the end, I find that the application dated 16th July 2013 is misconceived. I hereby dismiss the same. Costs shall be in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 23rd DAY OF January 2015.

W. MUSYOKA

JUDGE