

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 died intestate on 26th April 2002. Before his death, he was working in the Kenya Air force as a Senior Sergeant. He left two widows (the applicant Francisca Munini Mbithi and the 1st respondent Georgina Mutune Mutunga) and mother Tabitha Kalee Kyongo (2nd respondent). On 22nd April 2014 this Court determined that the three were the only beneficiaries to the estate of the deceased. The Court directed that each should have an equal share in the estate.

2. The applicant has shown that the deceased's death benefits amounting to Kshs.391,880/65 were deposited into A/C No. 3520651 at Barclays Bank of Kenya, Moi Avenue, by the Ministry of Finance to await the determination on the beneficiaries and their respective shares. Now that this has been determined, she sought that the amount be shared. The application was served on the respondents who did not respond.

3. I allow the application and order that the Kshs.391,880/05 (and all the interest that has accrued) held at the Barclays Bank of Kenya, Moi Avenue, A/C No. 352065, be shared equally among Francisca Munini Mbithi, Georgina Mwendu Mutunga and Tabitha Kalee Kyongo. A certificate of confirmation shall accordingly issue.

DATED and DELIVERED at NAIROBI this 9th December 2015.

A.O. MUCHELULE

JUDGE