



**REPUBLIC OF KENYA**

**High Court at Kakamega**

**Succession Cause 208 of 2005**

**IN THE MATTER OF THE ESTATE OF LAWRENCE EMBOVA SHITAMBASI .. DECEASED**

**BETWEEN**

**CHRISTOPHER MUCHEYWA SHITAMBASI ..... APPLICANT**

**V E R S U S**

**BERNARD AMUTSA IMBWAGA ..... 1<sup>ST</sup> RESPONDENT**

**DENNIS ATSANGO SHIKUNDI ..... 2<sup>ND</sup> RESPONDENT**

**R U L I N G**

The late **LAWRENCE EMBOVA SHITAMBASI** died on the 9<sup>th</sup> of February 1996. He was survived by three sons and three daughters namely:-

1. Colletah Queen Shitambasi - daughter
2. Petronillah Busolo Shitambasi - daughter
3. Christine Mutondo Shitambasi - daughter
4. Gerald Mukonda Shitambasi (deceased) - son
5. Christopher Mucheywa Shitambasi - son
6. Protus M. S. Atsango - son

The deceased son left his wife Beatrice Idalizu and two children. The deceased's estate comprise of plot number **KAKAMEGA/SHIAKUNGU/1074** measuring 4.2 Ha. Protus Atsango had filed another succession cause, number 208 of 2005 before this court and was issued with a grant on 22<sup>nd</sup> June 2011. The two causes were consolidated.

Parties are agreeable to the beneficiaries who are supposed to inherit the estate. The only difference is that Christopher Mucheywa Shitambasi contends that the proposed mode of distribution by Christine has excluded the other two daughters. He would like to have the estate distributed equally amongst the six children thereby each getting 0.7 Ha.

I do not see any problem in this matter. Petronilla Busolo and Queen Colletta informed the court that they

do not wish to inherit the deceased's estate. That leaves the number of inheritors to be four. The administrator in her application dated 7<sup>th</sup> July 2012 is proposing to distribute the estate equally. This gives each beneficiary 1.05 Ha. That being the case and since the court did confirm from the other two beneficiaries that they have relinquished their shares, the application for confirmation of the grant dated 7<sup>th</sup> July 2012 is granted as prayed. The deceased's estate shall be distributed as follows:-

**L.R. NO. KAKAMEGA/SHIAKUNGU/1074**

**a) Beatrice Indalizu Musoka - 1.05 Ha.**

**(to hold in trust for children Festus Muganda Mutolotolo and  
Getrude Kharieki**

**b) Christopher Mucheywa Shitambasi - 1.05 Ha.**

**c) Protus M. S. Atsango - 1.05 Ha.**

**d) Christine Mutondo Shitambasi - 1.05 Ha.**

Grant to be issued to Christine Mutondo Shitambasi. Each party shall bear his/her own costs.

***Delivered, dated and signed at Kakamega this 7<sup>th</sup> day of February, 2013***

**SAID J. CHITEMBWE  
J U D G E**