

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

Succession Cause 176 of 2002

IN THE MATTER OF THE ESTATE OF RAGOI NABULE (DECEASED)

A N D

KEZIA ADEGO RAGAI

MARIA ENYAKAI.....PETITIONERS

R U L I N G

The deceased, Ragai Nabule, who died on 6/7/2000 was survived by two widows, Kezia Adego Ragai who is the 1st Petitioner and who has two minor children and Maria Enyakai who is the 2nd Petitioner and who has one minor child.

The deceased did not leave immovable property. His estate comprises

- (a) Shs.83,192.05 held by the District Commissioner who received it from the Standard Chartered Bank.
- (b) Shs.387,050.30 death gratuity held by Public Trustee who received it from the Ministry of Finance.
- (c) 1050 shares in Standard Chartered Bank (K) Ltd.
- (d) dividend Shs.2194.50

The issue for determination is distribution of the estate among the widows and the minor children.

The deceased died intestate. The law applicable to the administration and distribution of his estate is The Law of Succession Act, Cap 160. The money and shares which constitute the estate of the deceased are not personal effects. The widows are entitled to share equally personal effects of the deceased and household effects. If the deceased had left immovable property, they would also be entitled to life interest in the whole of the residue of the net intestate estate which would determine upon remarriage.

The shares and the cash shall be equally divided between the three minor children of the deceased so that each takes 1/3. My calculations show that each child should take Shs.156,747/45 and 350 shares. The 1st Petitioner who is the mother of the two minor children shall hold in trust the shares and cash of the two children and utilize the same for their upkeep, education and upbringing. The 2nd Petitioner shall hold in trust the shares and cash belonging to the one minor child of the deceased and utilize it for the same purpose. This disposes the only issue for determination before me.

There shall be no order as to costs.

Dated, signed and delivered at Kakamega this 24th day of February 2006.

G. B. M. KARIUKI

J U D G E