



In re Estate of the Late Jotham Nabwera alias Namwera Shamala (Deceased) (Succession Cause 210 of 2006) [2025] KEHC 1972 (KLR) (20 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1972 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 210 OF 2006
SC CHIRCHIR, J
FEBRUARY 20, 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE JOTHAM
NABWERA ALIAS NAMWERA SHAMALA (DECEASED)**

BETWEEN

ISAAC SHAMALA NABWERA PETITIONER

AND

MONICA KHATENJE MUKABWA APPLICANT

RULING

1. This cause relates to the Estate of Jotham Nambwera alias Nambwera Shamala (Deceased) who died on 29/3/1990.
2. The deceased's son, one Isaac Shamala Napwela, was granted letters of Administration intestate on 13/6/2006. In the petition ,he had then listed the survivors of the deceased as himself, Solomon Masitsa, Samuel Ichingwa, Kahoko, David Muhanda Nabwere and Patrick Nabwera.
3. The Grant was confirmed on 17/11/2015 and the only Asset of the Estate , being Land parcel No. Kakamega/Kambiri/154 was shared between the Petitioner, Solomon Masitsa, Patrick Nabwera, Alfred Shiloya M'ungahu, Hanah Aniwosa Khadeti and Chrispinus Madegwa Wadgwa Mukeya.
4. On 1.3.2016, one Abigael Khatenyi Nabwera, describing herself as the daughter of the deceased, filed for revocation of Grant. She accused the Petitioner of omitting other beneficiaries from the estate. The grant was revoked and another one issued in which Abigael and two other beneficiaries got a portion of the estate property.
5. In the present Application there are completely new persons , also claiming to be heirs of the deceased. I have perused the record and their names have never featured before in these proceedings.



6. There was no respond to the present application and I had directed that it proceeds by way of written submissions. However having relooked at the claim , the alleged relationship of the claimants to the deceased and the documents so far filed, am of the view that the issues arising herein would best be articulated by way of both affidavits and viva voce evidence.
7. I have also considered the fact that this is the 2nd Application for revocation , by a new group of claimants , making their appearance in court, 19 years after the matter was filed, and an oral hearing will hopefully present an exhaustive platform for bringing this long standing matter to an end.
8. Consequently, I hereby direct as follows:
 - a) The Notice of motion dated 8th January, 2024 be heard through Affidavits and viva voce evidence.
 - b) The parties are at liberty to file such other affidavits, statements and documents in support of their case.
 - c) A mention date will be fixed at the delivery of this Ruling to confirm compliance with order 2 and give directions on the hearing.

DATED, SIGNED AND DELIVERED AT ISIOLO ,VIA MICROSOFT TEAMS THIS 20TH DAY OF FEBRUARY, 2025.

S. CHIRCHIR

JUDGE

In the presence of:

Godwin Luyundi- Court Assistant.

