



REPUBLIC OF KENYA



In re Estate of Chengoli Chekamai (Deceased) (Succession Cause 412 of 1998) [2025] KEHC 3279 (KLR) (13 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3279 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 412 OF 1998**

SC CHIRCHIR, J

MARCH 13, 2025

IN THE MATTER OF THE ESTATE OF CHENGOLI CHEKAMAI (DECEASED)

BETWEEN

ZABLON INJENDI APPLICANT

AND

FRONICAH NAMUKUYA CHENG’OLO PETITIONER

RULING

1. These proceedings relate to the estate of Chengoli Chikamai. The grant of letters of Administration was issued to his widow and confirmed on 27/4/1999.
2. In a judgment delivered on 29/10/2021 Justice Musyoka cancelled the confirmation done on 27/4/1999 and ordered for a fresh confirmation hearing. The reason for cancellation was that there was a beneficiary who had been left out
3. Fresh summons for confirmation were filed and the same preceded by way of oral evidence. At the conclusion of the hearing the Judge delivered a ruling on 2nd June, 2023 in which he postponed the confirmation of Grant on grounds that the petitioners had failed to disclose all the heirs of the deceased.
4. The Judge observed the Administrator’s failure to comply with the earlier orders but gave the petitioner another chance to comply.
5. It had emerged during the oral hearing that the deceased was a polygamous man of 5 wives, inclusive of the petitioner herein and there were several children whose existence had been withheld from the court. The petitioner was therefore directed to provide full disclosure, before the Grant could be confirmed.
6. In purported compliance with the aforesaid directions, the protestor filed the affidavit dated the 4/7/2023 while the petitioner filed a “Replying Affidavit” dated 16/10/2023.



7. I have read through the Affidavits and I have noted that none of them has addressed the issue of the deceased's survivors . There are no female children, or indeed there is no indication that the list given was exhaustive.
8. I have carefully read the Judgment and ruling of Justice Musyoka. They are very emphatic on what the court asked for. It is unfortunate that the petitioner has embarked on a "hide and seek" games with the court. She has been given two chances to comply ,particularly on the issue of the deceased's heirs, but it is obvious that she is trying to circumvent the directions of the court.
9. This cause was filed in 1998. It is doing its 27th year in the court. The petitioner is not the only beneficiary of the Estate and her conduct which is a contributor to the delay in adversely affecting the interest of the other beneficiaries.
10. I believe , that it is partly for the reason of the lifespan of this cause that Justice Musyoka has previously been reluctant to revoke the Grant. It is for a similar reason that am reluctant to. It is not in the interest of the beneficiaries to restart the process .
11. Thus for the 3rd time and last time , I direct the petitioner to do the following ;
 - a. To file further Affidavit listing all the wives and children of the deceased, whether dead or alive.
 - b. The children should be grouped according to the houses .
 - c. For the survivors who have since died it should be indicated whether there were any children left behind.
 - d. The affidavit to be filed within 45 days from the date of this ruling and served on Zablon Injendi, the protestor.
 - e. In default of (d) above, the Grant herein shall stand revoked.
 - f. The confirmation of the Grant is hereby postponed.
 - g. This matter will be mentioned on a date to be given during the delivery of this ruling to confirm compliance with the above orders.

DATED, SIGNED AND DELIVERED VIRTUALLY AT I SIOLO THIS 13TH DAY MARCH 2025 .

S CHIRCHIR

JUDGE.

In the presence of :

Godwin Luyundi- Court Assistant

Beneficiaries

