



In re Estate of Meshack Morgan Mulweye (Deceased) (Succession Cause 73 of 2021) [2024] KEHC 3360 (KLR) (11 April 2024) (Ruling)

Neutral citation: [2024] KEHC 3360 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
SUCCESSION CAUSE 73 OF 2021**

AC MRIMA, J

APRIL 11, 2024

IN THE MATTER OF: THE ESTATE OF MESHACK MORGAN MULWEYE (DECEASED)

-BETWEEN-

BETWEEN

PELLICE KATHINI MULWEYE PETITIONER

AND

KEVIN KIBORE MULWEYE 1ST PROTESTOR

ESTHER WAIYURAH MULWEYE 2ND PROTESTOR

RULING

1. On 26th September 2022, a Grant of Letters of Administration Intestate was jointly issued to the Petitioner and the Protestors herein.
2. The Petitioner then filed a Summons for Confirmation dated 15th May, 2023 and proffered a mode of distribution in respect of the various properties allegedly forming the estate of the deceased.
3. The Protestors basically agreed on the Petitioner’s mode of distribution save that they raised the issue of ownership of one of the properties. That was the parcel of land known as Trans Nzoia/Cherangani/228. They rooted for proof of that parcel of land.
4. Since there is no contestation in this matter save for the ownership of Trans Nzoia/Cherangani/228 and, this Court, having noted that property known as E/Wanga/Malaha/178 in encumbered by way of legal charges, the distribution of the estate shall await the proof of ownership of Trans Nzoia/Cherangani/228 and the discharge of E/Wanga/Malaha/178.
5. Once the above issues are settled, this Court shall then render a judgment on the mode of the distribution of the estate.



6. As such, the following orders do hereby issue: -

- a. The Administrators shall avail proof of ownership of Trans Nzoia/Cherangani/228 by the Deceased herein.
- b. The Administrators shall also discharge the parcel of land known as E/Wanga/Malaha/178 and avail a Certificate of Search thereof.
- c. The distribution of the estate herein shall, therefore, await the compliance of orders (a) and (b) above.
- d. This matter shall be fixed for a Mention on a date to issue.
- e. Costs in cause.

It is so ordered.

DELIVERED, DATED AND SIGNED AT KITALE THIS 11TH DAY OF APRIL, 2024.

A. C. MRIMA

JUDGE

Ruling No. 1 virtually delivered in the presence of:

No appearance for Mr. Kitembe, Learned Counsel for the Petitioner.

Miss Odhiambo for Mr. Omusundi, Learned Counsel for the Protestors.

Chemosop/Duke – Court Assistants.

