



In re Estate of Boniface Kinale Wasike (Succession Cause 330 & 447 of 2012 (Consolidated)) [2024] KEHC 8924 (KLR) (19 July 2024) (Judgment)

Neutral citation: [2024] KEHC 8924 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE 330 & 447 OF 2012 (CONSOLIDATED)**

DK KEMEL, J

JULY 19, 2024

IN THE MATTER OF THE ESTATE OF BONIFACE KINALE WASIKE

BETWEEN

GLADYS NEKESA PETITIONER

AND

JOYCE NANYAMA KINIALE 1ST OBJECTOR

KENNEDY WAFULA KINIALE 2ND OBJECTOR

JUDGMENT

1. A brief background of this cause is that on 25th January 2013, the grant of letters of administration intestate to the estate of the late Boniface Kiniale were issued to the Objectors herein in Bungoma Succession Cause No. 330 of 2012. Subsequently, the Petitioner also petitioned for grant of letters of administration of the estate of the late Boniface Kiniale in Bungoma Succession Cause No. 447 of 2012. Vide court orders issued by A. Mabeya J on 10th July 2014, the two matters were consolidated with Bungoma Succession Cause No. 330 of 2012 being the lead file.
2. The Objectors filed their objection to making of grant dated 13th December 2012 on 16th January 2013 wherein they averred inter alia; that the Petitioner is not a beneficiary to the estate of the deceased herein; that a grant to the estate of the late Boniface Kiniale has already been issued vide Bungoma High court P & A No. 330 of 2012; that the Petitioner has concealed some material facts and information concerning some properties of the deceased’s estate; that the Petitioner is not reliable and has filed this Petition in order to disinherit other legitimate beneficiaries to the estate of the deceased and finally that the Petitioner has listed strangers as beneficiaries to the estate of the deceased.
3. On 5th August 2022, this court established that the parties are not in agreement in solving the matter via mediation. This court heard the case via viva voce evidence. The hearing kicked off in earnest on 19th July 2023.



Objectors case

4. OB-PW1 was Dr. Reverend Paul Kassim Sifuma who testified that he is a reverend and an advocate of the High Court of Kenya. He adopted his recorded statement dated 2nd May 2023 and list of documents dated 16th March 2023 as his evidence-in-chief. According to him, he knows all the parties herein as he was the deceased's family lawyer prior to his demise in June 2012 and fellow church member at Kanduyi KAG Church. He testified that the deceased confided in him about a lot of his secrets and that he handled most of his cases. He testified that he also represented him in divorce cases and that he entrusted him with most of his legal documents. He told the Court that the Petitioner herein was never married to the deceased and that there was an intention to marry. He told the Court that the same was backtracked when the deceased realized that the Petitioner was married to somebody at Malaha and that they had three children-2nd, 3rd and 4th born. He told the Court that it was only the 1st born, Elizabeth Nafula Kiniale and the 5th born Anthony Mabele Kiniale who were his children.

On cross-examination, he told the Court that he acted for the deceased in several cases but did not produce any of those proceedings before Court. He told the Court that he was the chairman of the deceased's funeral committee and produced minutes to that effect. He also told the Court that the deceased had only two children with the Petitioner and who were duly recognized by the family committee.

On re-examination, he reiterated that he was the family lawyer for the deceased.

5. OB-PW2 was Joyce Kiniale Nanyama who testified that she is the widow of the deceased herein and the 1st Objector in this matter. She adopted her recorded statement dated 9th May 2023 and list of documents dated 9th May 2023 as her evidence-in-chief. According to her, the Petitioner herein is not a beneficiary to the estate of the deceased as they only had a brief surreptitious affair with her late husband and that she only sired Elizabeth Nafula Kiniale as per her annexure marked as JWK-1(a)&(b). She testified that the Petitioner later got united in wedlock with one Robert Wanyama Wanjala under the Luhya customs and they sired three children namely: Joseph Wekesa; Godfrey Wanjala and Stephen Makhanu as per her annexure marked as JWK-2. She told the Court that after many years, she rekindled her illicit affair with the deceased herein and she bore him another child by the name Anthony Mabele Kiniale. As their relationship continued, the Petitioner's husband surfaced and sued both the Petitioner and the deceased for dissolution of their marriage but he died while the case was still pending. She told the Court that the divorce proceedings were lodged as Bungoma CMCC Divorce Case No. 6 of 2006 as per the annexure marked as JWK-3(a)&(b). She told the Court that the Petitioner is simply a fibber and fraudster as she proceeded to incorporate her deceased's husband's name into her three children's birth certificates to indicate that he is the one who sired them. She testified that the allegations that each of them was given 1 ½ acres to reside on are lies as she only forced her way into the family land after the death of the deceased. She insisted that the contentious birth certificates should not be produced in Court and that the birth notifications have been brought to Court to bring to light criminal activities by the Petitioner. She told the Court that when she was solemnizing her wedding with the deceased in church, the Petitioner never registered her opposition. She availed before this Court her marriage certificate marked as JWK-4.

On cross-examination, she categorically denied the allegation that the Petitioner was the wife of the deceased herein as he married her through customary law but accepts that the deceased sired two children with the Petitioner. She testified that she only knew about the 2nd child the deceased sired with the Petitioner after the demise of her husband. She stated that she was not aware if the deceased catered for the children and if he performed any circumcision rites on his sons with the Petitioner. She testified that the Petitioner married the late Robert Wanyama Wanjala vide a traditional ceremony then they



had an official wedding thereafter. She stated that the space of date the wedding was conducted shows nothing on the wedding certificate availed and that the said certificate does not have a church seal. She added that she has not availed the pastor who officiated the ceremony and the respective witnesses. She finally added that she was not aware if the deceased visited the parents of the Petitioner for her hand in marriage.

On re-examination, she stated that it is not true that the deceased married the Petitioner in 1980 as alleged and that she has seen the affidavit of marriage marked as OB Exh-17 which shows the deceased married the Petitioner in 2002 and that they only had one child. She stated that the deceased married her in 1983 and that the official ceremony took place in 2006. She added that the official name of the Petitioner's husband was Robert Wanjala Watakila thus the name of the children vide the notification of birth.

6. OB-PW3 was Paul Kisuya Nyongesa who testified that he is the senior chief Misikhu location in Webuye West Sub-County and that he is the author of the letter dated 5th March 2003 marked and produced in court as OB-Exh-16.

On cross-examination, he testified that he did not avail any evidence that he is indeed a senior chief and that with regard to this matter he forwarded it to the area chief for deliberation. He stated that he had no proof that the children of the Petitioner are the children of one Robert Wafula and that his letter dated 5th March 2003 is silent on the name of the Petitioner.

On re-examination, he stated that he only received one complainant.

Petitioner's case

7. PET-PW1 was Gladys Nekesa Naliaka who testified that she is the Petitioner herein and she adopted her affidavit sworn on 18th June 2018 as well as a recorded statement dated 16th March 2015 as her evidence-in-chief. According to her, she is the wife of the deceased herein and that they had five children namely: Elizabeth Nafula Kiniale, Joseph Wekesa Kiniale; Godfrey Wanjala Kiniale, Stephen Makhana Kiniale and Anthony Mabele Kiniale. She testified that she got married to the deceased herein under Bukusu Customary Law in 1980 and that he left her at her parents' home and went to university in 1990 after his appointment to Kapsabet High School. She testified that they started to live together in the same year and were blessed with their first child Elizabeth Nafula Kiniale. She testified that they lived together and were blessed with other four children as captured above. She stated that her late husband had six children with the 1st Objector herein namely: Lilian Kiniale; Kennedy Wafula Kiniale, Job Murunga Kiniale, Derrick Wekesa Kiniale, Micah Kiniale, Richard Mukite Kiniale. She testified that she has no opposition against the 1st Objector herein nor her children. She stated that the deceased's estate comprises of: Bungoma/Kamukuywa/1102 and a Nissan Sunny saloon vehicle make B15. She insisted that the deceased's father gave each of his wives 1½ acres and that her exclusion from the succession proceedings by the Objectors herein was unfair.

On cross-examination, she testified that she got married to the deceased herein in 1980 after he took KShs. 3,000/= to her parents and that it was only their parents who met and gave their consent towards their union. She later learnt that the deceased had impregnated the 1st Objector herein and that he apologized over the same. She insisted that she is the eldest widow of the deceased herein since their first born, Elizabeth Kiniale, was born in 1990. She testified that she is not aware if the deceased married the 1st Objector but is certain that the deceased met the 1st Objector in university and lived with him until his death in 2012. She stated that Robert Wanjala Watakila is a neighbour in her village and that it is not true that he is her husband. She agreed to have seen a Complaint dated 20/2/2006 by the late Robert Wanjala seeking a divorce from her but she insisted that she does not know the said Robert Wanjala Watakila.



She agreed to have seen the birth notification of Stephen Wanjala and Godfrey Wanjala which indicates the name Watakila. She testified that she did not have any dispute with one Robert Wafula as alleged and denied that one Advocate J.O Makali acted for her in the past. She stated that she married the deceased in a customary ceremony in 1980 and that they formalized that union in 2002. She concurred that all the birth certificates of her children were issued on the same date in 2007.

On re-examination, she stated that she is not aware of the contents of the letter dated 10th November 2003 and that she did not instruct any advocate by the name J.O Makali to represent her. She insisted that the alleged letter is not stamped and that it could be a fake. She reiterated that she never participated in any divorce proceedings in 2006 and that the birth notification of his son, Stephen, is faulty thus not legitimate. She added that in her affidavit she only used the name of one child as she was expectant then.

8. PET-PW2 was Protus Kiniale Makhanu, who testified that the deceased herein was his immediate cousin and he adopted his recorded statement as his evidence-in-chief. According to him, he was appointed the clan chairman and the administrator to oversee the property distribution of the estate of the deceased herein. He testified that on 26th November 2022, he discovered vide Bungoma Succession No. 477 of 2022 that the Objectors were appointed the administrators of the estate of the deceased via Bungoma Succession Cause No. 330 of 2012. He testified that the Objectors failed to include the 2nd widow of the deceased herein in the succession proceedings with regard to the estate of the deceased. He stated that the Petitioner is a legal wife/widow of the deceased and that the succession proceedings by the Objectors excluded her and all her issues. He stated that as per the filed form P&A5 in the Bungoma Succession Cause No. 330 of 2012, the Objectors only included the one child of the Petitioner, Anthony Mabele Kiniale. He added that the deceased herein married the Petitioner vide Bukusu Customary Law and that they had five children.

On cross-examination, he stated that the Petitioner got married to the deceased in 1980 and that he attended the function. He added that the dowry was in form of cows and money which was paid. He insisted that the deceased left behind ten children.

9. PET-PW3 was Joseph Maindi Wekesa who testified that he is the head of the Pamutilu clan and that the deceased was his cousin. He adopted his recorded statement dated 25th November 2022 as his evidence-in-chief. According to him, he knew the parties herein and that he is also the chair of the alternative dispute committee of Nekoye Welfare Association at National Level. He stated that the Petitioner and the 1st Objector are the widows of the deceased herein and that he was also survived by eleven children.

On cross-examination, he testified that the Petitioner was the wife of the deceased and that he did attend the traditional wedding ceremony. He stated that the same was not a big ceremony as it comprised of about 6-7 people and that cattle was paid as dowry. He stated that all the children namely: Lilian Kiniale; Kennedy Wafula Kiniale, Job Murunga Kiniale, Derrick Wekesa Kiniale, Micha Kiniale, Richard Mukite Kiniale, Elizabeth Nafula Kiniale, Joseph Wekesa Kiniale; Godfrey Wanjala Kiniale, Stephen Makhana Kiniale and Anthony Mabele Kiniale belonged to the deceased as the deceased processed their birth certificates himself.

On re-examination, he stated that all the birth certificates bear the names of the Petitioner and deceased.

10. At the close of the Petitioners case, this Court directed the parties to file and exchange their respective written submissions. Only the Objectors complied.
11. Having heard this very acrimonious dispute and considered the affidavits evidence and oral testimonies and exhibits produced in evidence as well as the written submissions, i find the issues for determination are as follows:
 - a. Whether the Petitioner was the wife of the deceased.



- b. Whether the deceased was the father of the children of the Petitioner.
 - c. What orders should this court make?
 - d. Who should bear costs of these objection proceedings?
12. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side. The burden of proof as to any particular fact lies on that person who wishes the court to believe its existence, unless it is provided by any law that the proof of that fact shall be on any particular person. See section 107 of the [Evidence Act](#).
13. In *Lewis Waruiro vs Moses Muriuki Muchiri* (2012) CA 106, it was held that:
- “All cases are decided on the legal burden of proof being discharged (or not). Lord Brandon in *Rhesa Shipping Co SA vs Edmunds* remarked:- ‘no Judge likes to decide cases on the burden of proof if he can legitimately avoid having to do so. There are cases, however, in which, owing to the unsatisfactory state of the evidence or otherwise, deciding on the burden of proof is the only just course to take.’”
14. On the 1st issue of whether the Petitioner was the wife of the deceased, the commencement point is that whoever desires any court to give judgment as to any legal right or liability, depending on the existence of fact which he asserts, must prove that those facts exist. It is imperative to note that the petitioner alleged to have married the deceased under Bukusu Customary Law before they officiated their union in 2006. She availed witnesses, PET-PW2 and PET-PW3 to substantiate her allegations. PET-PW3 told this Court that he is the chairperson of the Pamutilu Clan. Based on my brief research, i was able to establish that the vital ingredients of a Bukusu customary marriage involved “eng’anana” and “bukhwi”. In other words, negotiations between the two families must take place after which dowry must be paid. The dowry once agreed upon, need not be paid at once before the marriage, but a part of it has to be paid in advance.
15. From the evidence on record, there were no pre-marriage meetings and negotiations (eng’anana) between the families of the Petitioner and the deceased as no form of minutes were availed before this Court or even pictures taken on those occasions to ascertain that the same occurred. There is also no evidence that dowry was ever paid, partly or wholly. The Petitioner alleged that her parents were given Kshs. 3,000/= whereas PET-PW2 and PET-PW3 alleged that dowry was paid in form of cattle and money but that there was no advance agreement between the two families that such payment would be considered as payment of dowry by the deceased.
16. Parties are bound by their pleadings. All the parties to the suit were of the Bukusu tribe and as stated earlier, the suit was premised on Bukusu customary law. The Petitioner’s claim was entirely based on the Bukusu customary law as she alleged to have been married by the deceased under the same, so was the evidence. She did not advert to common law principles at all. Section 3(2) of the [Judicature Act](#) Cap 8 Laws of Kenya states as follows:
- “The High Court, the Court of Appeal and all subordinate courts shall be guided by African customary law in civil cases in which one or more of the parties is subject to it or affected by it, so far as it is applicable and is not repugnant to justice and morality or inconsistent with any written law, and shall decide all such cases according to substantial justice without undue regard to technicalities of procedure and without undue delay.”



17. The legal burden of proof is consciously or unconsciously the acid test applied when coming to a decision in any particular case. This fact was succinctly put forth by Rajah J in *Britestone Pte Ltd vs Smith & Associates Far East Ltd* (2007) 4 SLR 855 as follows:

“The Court’s decision in every case will depend on whether the party concerned has satisfied the particular burden and standard of proof imposed on him.”

19. It is therefore a well-established rule of evidence that whoever asserts a fact is under an obligation to prove it in order to succeed. The standard determines the degree of certainty with which a fact must be proved to satisfy the court of the fact. In civil cases the standard of proof is on the balance of probabilities. In the case of *Miller vs Minister of Pensions* (1947) 2 All ER 372, Lord Denning said the following about the standard of proof in civil cases:

“The (Standard of proof) is Well settled. It must carry a reasonable degree of probability...if the evidence is such that the tribunal can say: ‘we think it more probable than not’ the burden is discharged, but, if the probabilities are equal, it is not.”

18. It is a fundamental principle of law that a litigant bears the burden or onus of proof in respect of the propositions he/she asserts to prove his/her claim. The standard of proof, in essence can loosely be defined as the quantum of evidence that must be presented before a Court so that a fact can be said to exist or not exist.
19. The Objectors vide witness OB-PW1, testified that he was the family lawyer of the deceased herein and that at some point the deceased had the intentions to marry the Petitioner but later established that she was already in another union. He produced in Court a letter dated 11th August 2006 (OB-EXH7) in which he noted that he was in receipt of a letter dated 9th August 2006. He noted that despite the affidavit of marriage as sworn, the deceased never intended to marry the Petitioner as he established that she was married to somebody else and that the deceased did not pay any dowry in respect of the Petitioner herein as alleged.
20. My scrutiny of the availed marriage affidavit by the Petitioner clearly does not convince this Court that she was married to the deceased. It is clear from the letter dated 11th August 2006 authored by OB-PW1 there existed no valid marriage between the deceased herein and the Petitioner as no dowry was paid to the family of the Petitioner by the family of the deceased. Further, the Petitioner denied the existence of a divorce suit at Bungoma law courts lodged by one Robert Wanjala Watakila against her and further disowned a letter by her then lawyer J.O Makali. The Petitioner came out as an untruthful witness as the documents laid bare the fact that she had been married to the said Robert Wafula Watakila and that he liaison with the deceased was an illicit affair which probably led to the birth of two children whom the Objectors do not dispute.
21. In the circumstances, it is my conclusion that there existed no valid Bukusu customary law marriage between the Petitioner and the deceased as alleged.
22. On the second issue of whether the deceased was the father of the children of the Petitioner, it was the evidence of Petitioner that the deceased sired all the children of the Petitioner herein and that he was the one who proceeded to take out their respective birth certificates. The Petitioner wants her children to be included in the succession proceedings regarding the deceased’s estate as he was also their father. Opposing this argument, the 1st Objector testified that her deceased husband only sired two of the



- Petitioner's children namely: Elizabeth Nafula Kiniale and Anthony Mabele Kiniale. OB-PW1 told the Court that while he was the family lawyer of the deceased, prior to his demise he confided in him that he only sired two of the Petitioner's children as captured by the 1st Objector and that they were duly recognized by the family committee.
23. Whoever desires any Court to give judgment as to any legal right or liability, depending on the existence of fact which he asserts, must prove that those facts exist. In this case, the Objectors bear the burden of proving that the Petitioner's children were and are not dependants of the deceased and therefore of his estate and that therefore they are not entitled to benefit from his estate.
 24. A dependant is defined under Section 29 of the *Law of Succession Act* as:
 - a. The wife or wives, or former wife or wives and the children of the deceased whether or not maintained by the deceased immediately prior to his death.
 - b. Such of the deceased's parents, step parents, grandparents, grandchildren, step children, children whom the deceased had taken into his family as his own, brothers and sisters and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death.
 25. In the case of *Re Estate of George Musau Matheka (Deceased)* [2010] eKLR the Court held that to prove dependency, the onus lies on the claimant to prove paternity of the deceased.
 26. I have considered the narration of events by OB-PW2 about how the Petitioner and her deceased husband were involved in an illicit marital affair that brought about only two children. She insisted that the other children belonged to one Robert Wanjala Watakila and that the Petitioner even went ahead to generate birth certificates of her other three children capturing her husband's late name as theirs. She reiterated that she acknowledges only Elizabeth Nafula Kiniale and Antony Mabele Kiniale as the children of her deceased husband with the Petitioner. She availed a notification of birth registration from the City County of Nairobi that captured the name Stephen and indicating his parents as the Petitioner herein and one Robert Wanjala. The Petitioner argued that the same was not true and that the deceased himself took out all the birth certificates of their children. From my perusal of the Court record, the birth certificate of Elizabeth was registered in 2007 while the one for the other children was registered in 2010. It is essential to note that no birth certificate of Stephen Kiniale Makhani was availed before this Court. The birth certificates capture the deceased as the father but it is imperative to note that the deceased died on 3rd June 2012. Further, several correspondences and annexures to the 1st Objector's affidavit sworn on 5.12.2017 revealed that the Petitioner herein Gladys Nekesa Nalika had been sued by her husband one Robert Wanjala Watakila and that her Advocate one J.O Makali had written demand letters over the same which she disowned while giving her evidence herein. It is thus clear that the Petitioner herein came out as dishonest and that her conduct and actions depicted her as a liar and out to get the estate of the deceased by hook or crook. Her conduct in having all her children issued with birth certificates in the names of the deceased despite glaring evidence that only two children were legit while her legal husband Robert Wanjala Watakila had sought for custody of his children left no doubt that she was out to disinherit the legitimate beneficiaries of the deceased.
 27. From the foregoing, it is the Petitioner's case that the birth certificates produced are conclusive proof of paternity and therefore the Petitioner need not prove dependency through further evidence. The Objectors, on the other hand argues that birth certificates are not conclusive proof of paternity and that the Petitioner must prove that the deceased did sire the alleged three children.
 28. From the Petitioning documents as availed by the 1st Objector, it is clear that only Elizabeth Kiniale and Antony Mabele Kiniale were included as beneficiaries of the estate of the deceased. The Objectors



challenged the authenticity of the availed birth certificates of the remaining children of the Petitioner but only availed one notification of birth that captured the father of Stephen Kiniale Makhanu as one Robert Wafula. It is clear that the Petitioner was out to ensure that all her children including those sired by Robert Wanjala Watakila were made as beneficiaries. She came out as an untruthful witness since she denied the existence of a divorce suit between her husband one Robert Wanjala Watakila despite glaring evidence of pleadings as well as correspondence by her then erstwhile Advocate J.O Makali.

29. The [Law of Succession Act](#) under Section 3 (2) of [Law of Succession Act](#) provides as follows:

“References in this Act to “child” or “children” shall include a child conceived but not yet born (as long as that child is subsequently born alive) and, in relation to a female person, any child born of her out of wedlock and in relation to a male person, any child whom he has expressly recognized or in fact accepted as a child of his own or for whom he has voluntarily assumed permanent responsibility”.

30. In respect of this application and given that there is documentary evidence to show that the deceased was indicated as the father of the children of the Petitioner excluding one Stephen Makhanu as his birth certificate was not availed and the production of the notification of birth that captured his father as one Robert Wafula by the Objectors was clear that he was not his son. This court having analyzed the respective birth certificates is convinced about the paternity of the two other children not recognized by the family of the deceased. In my view, the Petitioner demonstrated that the Elizabeth Nafula and Antony Mabele are dependants of the deceased thus proving that there is a link between them and the deceased while the other children belonged to the said Robert Wanjala Watakila.

31. The standard and burden of proof provided by the [Evidence Act](#) ought to be discharged; he who alleges must prove. Section 107 of the [Evidence Act](#) places the burden of proof on the party that alleges. In *Gatirau Peter Munya vs Dickson Mwenda Kithinji & 3 Others* (2014) eKLR the Supreme Court held inter alia:

“The person who makes such allegations must lead evidence to prove the fact. She or he bears the initial legal burden of proof, which she or he must discharge. The legal burden in this regard is not just a notion behind which any party can hide. It is a vital requirement of the law. On the other hand, the evidential burden is a shifting one, and is a requisite response to an already discharged initial burden. The evidential burden is the obligation to show, if called upon to do so, that there is sufficient evidence to raise an issue as to the existence of a fact in issue.”

32. The Objectors challenged the paternity of Joseph Wekesa, Godfrey Wanjala and Stephen Makhanu but only availed evidence with regard to the notification of birth that captured the father of Stephen Kiniale Makhanu as one Robert Wafula. Also, the Petitioner failed to avail the birth certificate of the said Stephen Makhanu meaning that the evidence of the Objectors remained uncontroverted. In the case of *Re Estate of George Musau Matheka (Deceased)* [2010] eKLR the Court held that to prove dependency, the onus lies on the claimant to prove paternity of the deceased. In the absence of a prima facie case to show the link between the deceased and Stephen Makhanu, there would be no legal basis for this court to declare him a child and dependent of the estate of the deceased herein. The sum total of the entire evidence is that the objection to making of grant by the objectors has merit since the petitioner had concealed material evidence from the court and further the succession cause (P &A No. 417 of 2012) was filed with full knowledge that already another cause had already been filed being P &A No.330 of 2012. The action of the petitioner was thus out to checkmate the Objectors yet she had the opportunity to participate in the already filed succession cause. It was thus not necessary to file



succession cause No. 417 of 2012. To that extent, the objection herein must succeed. It is instructive that the Objectors have already included the names of the two children, Elizabeth Nafula Kiniale and Anthony Mabele Kiniale as beneficiaries in the P &A form and thus they should proceed to file summons for confirmation of grant accordingly.

33. In view of the foregoing observations, i find merit in the Objectors objection to making of grant dated 13.12.2012. The same is allowed in the following terms:
- a. The Petitioner is hereby found not to be a wife of the deceased herein thus not a beneficiary of his estate.
 - b. The Petitioner's Petition for grant of letters of administration is hereby dismissed.
 - c. The Objectors are hereby directed to file summons for confirmation of grant within thirty (30) days from the date hereof.
 - d. The matter be mentioned on 20.9.2024 to confirm compliance and for further orders.
 - e. Each party to bear their own costs.

DATED AND DELIVERED AT BUNGOMA THIS 19TH DAY OF JULY 2024.

D. KEMEI

JUDGE

In the presence of:

Lunani for Objectors

Alori for Petitioner

Kizito Court Assistants

