



In re Estate of Moses Musau Masyuko (Deceased) (Probate & Administration 4 of 2018) [2024] KEHC 9010 (KLR) (4 July 2024) (Ruling)

Neutral citation: [2024] KEHC 9010 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
PROBATE & ADMINISTRATION 4 OF 2018**

GMA DULU, J

JULY 4, 2024

**IN THE MATTER OF THE ESTATE OF MOSES MUSAU
MASYUKO (DECEASED)**

IN THE MATTER OF

MONICAH NDINDA MUSAU APPLICANT

RULING

1. In this Probate & Administration Cause in the estate of the late Moses Musau Masyuko, an application was filed by James Mutuku Musau dated 13th September 2018, seeking revocation of Grant of Letters of Administration issued to Monicah Ndinda Musau on 20th June 2013 in Voi SPMCC Succession Cause No. 17 of 2008.
2. However, on 3rd October 2018 this court issued letters of administration relating to the same estate of Moses Musau Masyuko to the Public Trustee Mombasa.
3. When this matter was mentioned before me for the first time on 29th March 2023, I issued orders for mention on 13th June 2023. On that date nobody appeared in court and this court ordered the Deputy Registrar to issue a dismissal notice for 18th September 2023.
4. On that 18th September 2023, Monica Ndinda appeared in court and stated that one of her sons James sued her, and that she had appointed Mwanyumba & Company Advocates to represent her.
5. On 15th February 2024, Mr. Mwanyumba Advocate appeared in court and asked the court to dismiss the application filed by James Mutuku Musau. The court thereafter on 8th April 2024 dismissed the application for revocation of grant issued to Monica Ndinda, and reiterated this on 21st May 2024.
6. All along, the Public Trustee who is the present administrator of the estate, did not attend court, but sent a letter to court dated 1st December 2019 signed by J. E. Muliro Deputy Chief State Counsel.



7. On 21st May 2024, Monica Ndinda and Benson Musau attended court, and informed the court that they agreed with the communication in the letter from the Public Trustee above, which Monica Ndinda stated was erroneously reflected the year 2019 but infact was written in 2020.
8. Following from what Monicah Ndinda stated on the year of the letter, I note that the said letter from Public Trustee was received in this court on 8th December 2020, which means that it was indeed written in 2020. Both Monica Ndinda and Benson Musau who attended court on 21st May 2024 agreed that the assets of the estate be distributed as indicated by the Public Trustee in the above letter.
9. Having myself perused the letter from the Public Trustee, I note that the Public Trustee did not propose any mode of distribution of the assets. What the Public Trustee did was merely to inform the court the efforts they made to establish the status of assets as at a particular date. Thus this court cannot distribute the assets of the estate according to the subject letter, as the letter did not propose a mode of distribution for the assets.
10. Consequently, I order that Monica Ndinda and Benson Musau file a joint affidavit on the proposed mode of distribution of the assets, for a decision to be thereafter made by the court.
11. I will hereafter fix a mention date to confirm filing of the affidavit, and for further directions.

DATED, SIGNED AND DELIVERED THIS 4TH DAY OF JULY 2024 IN OPEN COURT AT VOI.

GEORGE DULU

JUDGE

In the presence of:-

Alfred – Court Assistant

Monica Musau – beneficiary

Benson Musau – beneficiary

