



**Chore v Aliwa ((Chief of Suna Nyabisawa Location)) (Miscellaneous Application  
01 of 2022) [2024] KEHC 14863 (KLR) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 14863 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MIGORI  
MISCELLANEOUS APPLICATION 01 OF 2022**

**A. ONG'INJO, J**

**OCTOBER 17, 2024**

**BETWEEN**

**PATRICIA OKAKA CHORE ..... APPELLANT**

**AND**

**BENARD ALIWA ..... RESPONDENT**

**(CHIEF OF SUNA NYABISAWA LOCATION)**

**RULING**

1. The Appellant Patricia Okaka Chore filed the application dated 7<sup>th</sup> July 2022 pursuant to Sections 1A, 1B, 3A and 63(e) of the *Civil Procedure Act* as well as Articles 22, 23 (1) & (3); 35 (b) 47 (i) and 48 of the *Constitution* seeking Orders that the Respondent be ordered, compelled and/or commanded to attend court to show cause why he cannot issue an official letter confirming the death of the Petitioner's husband indicating the beneficiaries of the estate of the deceased to facilitate filing of the Succession cause by the petitioner.
2. The Application is premised on the grounds on its face and the supporting affidavit sworn by the Applicant on 7<sup>th</sup> July 2022 to the effect that the Respondent who is the area Chief of Suna Nyabisawa Location had declined to issue official letter confirming the death of the Petitioner's husband indicating the names of the beneficiaries to the estate.
3. The Respondent filed Replying Affidavit stating why he was unable to write a letter with information..... the petitioners without involvement of other family members relatives of the deceased.
4. Directions were taken that application be canvassed by way of written submissions but none were forthcoming.



5. This matter was referred for mediation and the settlement was that the immediate family of the deceased was to sit and nominate administrator to the estate and report back to the Chief's office for further processing of the Succession letter vide Certificate of death issued on 12<sup>th</sup> May, 2021 and permit for burial date 16.3.2021 the deceased is indicated to have died on 15<sup>th</sup> May 1982.
6. As much as certificate of Death can be issued at any time, a burial permit issued on 16/3/2021 could not have been issued to bury someone who had died over 39 years ago. The chief skepticism's therefore understandable.
7. However, the duty of the Chief is to write in consultation with the village elder and Assistance and confirm if he knows the deceased and his spouse(s) and children (beneficiaries) and dependent's if any including parents and siblings, uncles etc. The Chief should also be able to indicate if he knows who the Appellant is.
8. The chief's duty is not to write or suggest who should be the Administrator. That is an issue that is left to the family of the deceased or it should be by Consent of all beneficiaries or dependants of the deceased.
9. This court therefore hereby orders the Chief Suna Nyabisawa Location to write a letter in respect of the deceased Wilson Chore Osue and explain how he knows him and file in court within 14 days.

**DELIVERED DATED AND SIGNED AT MIGORI THIS 17TH DAY OF OCTOBER 2024.**

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**A. ONG'INJO**

**JUDGE**

