



**In re Estate of AAM (Deceased) (Succession Cause E113 of 2021)
[2024] KEHC 15543 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 15543 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
SUCCESSION CAUSE E113 OF 2021
G MUTAI, J
OCTOBER 22, 2024
IN THE MATTER OF THE ESTATE OF AAM (DECEASED)**

BETWEEN

HA 1ST PETITIONER

MA 2ND PETITIONER

AND

SAA 1ST PROTESTOR

ZMT (ALSO KNOWN AS ZA) 2ND PROTESTOR

RULING

1. The deceased person whose estate is the subject of this cause died on 22nd May 2012 at Mwandoni at Kisauni. At the time of his death, he was 73 years old. The cause of his death was given as cardiac arrest.
2. After his death a succession cause was filed at the Kadhi's Court, to wit Kadhi's Court Succession Cause No 215 of 2012; AA vs HA, KA, AA, MA, SA, AK, SA, ZA and MA.
3. Upon hearing the parties' evidence and considering the evidence and the law, Hon. Abdulhalim Hussein Athman, Principal Kadhi (as he then was) made the following findings:-
 1. He identified the assets of the deceased as being
 1. One shamba, Plot No Kilifi/Nvalani/1X2 (whose title was with Barclays Bank);
 2. One shamba at Majengo Kanamai, Plot No 891/IXI/XX (Original No 284/1XX) measuring 8.244 hectares;
 3. House on Plot No 1XX4, Bomu;
 4. House on Plot No 8XX1;



5. House on Plot No 4XX1/IX/XX; and
 6. House on Plot No 4911/IX/XX.
4. In arriving at his decision, the learned Principal Kadhi (now the Chief Kadhi of Kenya) considered the contentions made by some of the parties that certain properties were gifted to them inter vivos by the deceased or bequeath to them via oral wills. I shall reproduce his findings at length:-

“several beneficiaries of the estate argued that some of the properties were given or bequeathed to them by the deceased in his lifetime. The Petitioner claimed that the house without land at Mwandoni was transferred to him by the deceased. He informed Court why and how it was transferred to him; that his father had a debt and his creditors wanted to sell the house. He then transferred it to him to save it from the sale. The petitioner confirmed he did not pay any consideration. Under cross-examination, he agreed that the house belonged to the estate. This house belongs to the estate. The four daughters (H, Aswila M and KA claim the deceased made an oral will bequeathing a house to each of them. H’s testimony is that their deceased father clearly stated that the four houses are not part of the estate. She agreed under cross-examination that not all daughters, let alone children of the deceased, were given properties by the deceased but insisted the bequest was done by his own free will and consent.

Under Islamic law, a will needs to be written. Although it may be oral, it has to be witnessed by two independent male witnesses. Testamentary disposition under Islamic law is limited to one-third of the estate to non-heirs...

In the instant case, the Respondent did not call any witnesses to corroborate the claim of the oral will. Even if it were proven that there was a will, oral or written, it would not have effect, for donating to some heirs only and being challenged by other heirs. The alleged will bequeathing the four houses was not proven under the required standard of proof. It is hereby dismissed. The four houses belong to the estate.”

5. Having considered all the issues in dispute, the learned Kadhi made the finding regarding the property that I have therefore mentioned.
6. Regarding the paternity of SA the learned Kadhi, upon considering all the evidence, found that:-

“viva voce and documentary evidence is conclusive that the 7th Respondent is a biological and legal daughter of the deceased herein. She was born two (2) years, ten (10) months, and three (3) days after the marriage of the deceased and ZMT.”

7. The learned Kadhi thereafter went ahead to list the heirs of the deceased as being:-
 1. ZMT -widow
 2. AA - son
 3. AA - son
 4. MA - son
 5. HA - Daughter
 6. KA - Daughter



7. MA - Daughter
 8. SA - Daughter
 9. AK - Daughter
 10. SA - Daughter
8. The learned Kadhi held that the widow was entitled to 1/8 share under Quran 4:12 while the sons would get 14.58% of the estate each, with the daughters being entitled to 7.29% each.
 9. In the penultimate part of his decision, the learned Kadhi gave directions on how the estate would be distributed.
 10. I have provided the above background as, in my view, certain observations must be made at the outset:
 1. The deceased was a Muslim. Under Section 2(3) of the Law of Successions Act, the devolution of his estate is governed by Muslim law;
 2. As the issue in question was one of succession to the estate of a deceased Muslim, the Kadhi Court had the jurisdiction to hear and determine the matter under Article 170(5) of the Constitution of Kenya and Section 5 of the Kadhi's Courts Act; and
 3. From the proceedings in the Court below it is evident to me that the parties submitted to the jurisdiction of the Kadhi's Court. The decision of the said Court thus bound them.
 11. It is common ground that the decision of the Kadhi's Court was not appealed against, reviewed or otherwise set aside, notwithstanding the fact that it was a Court with jurisdiction and that it made a binding decision.
 12. Vide a petition filed on 9th November 2021, HAA, MAA and AAA petitioned this Court for letters of administration intestate. They identified all the heirs of the deceased, save for ZMT and SAA, and listed the properties of the deceased assets identified by the Hon Principal Kadhi. The Petitioners relied on the letter of the Deputy County Commissioner dated 10th August 2021, which purported to identify the heirs of the deceased.
 13. The grant of the letter of administration intestate of the estate of the deceased was issued on 31st January 2022 by this Court.
 14. The Protestors filed Summons for Revocation of Grant dated 7th March 2023, seeking to have the grant issued on 31 January 2022 revoked and/or annulled.
 15. The said Summons was compromised by the consent entered into by the parties' advocates, vide which the grant issued on 31st January 2022 was revoked.
 16. In its ruling of 14th July 2023, the Court allowed the Summons for Revocation of Grant dated 13th March 2023. It appointed HAA and MAA as the administrators of the deceased's estate. Consequently, a new grant was issued on 31st July 2023. In my ruling, I directed that the Summons for Confirmation of Grant of the Letters of Administration Intestate in respect of the deceased's estate be filed within 30 days of the date thereof.
 17. In the interest of justice, I ordered that the Protesters/Applicants be involved and consulted in all the subsequent pleadings.



18. Pursuant to my directions, Summons for Confirmation of Grant was filed on 11th August 2023. In the affidavit in support of the Summons, the Administrators identified only the following as the heirs of the deceased.
 1. HAA
 2. KAA
 3. SAA
 4. AM
 5. AAA
 6. AAA
 7. MAA
19. It was claimed at paragraph 3 that Z was a divorced wife of the deceased while S wasn't the biological daughter of the deceased.
20. The petitioners proposed that Z and S get Plot No Kilifi/Nyalani/1X2 and the plot in Maandani in equal shares, while the heirs identified in paragraph 18 above would share equally Plot No 891/IXI/XX.
21. On 20th March 2024, the Protestors withdrew the appeal they had filed against the decision of the Kadhi. They also withdrew the application for a stay of proceedings herein until that appeal was heard. With that decision, they opted to file Affidavits of Protests, which this Court shall consider together with the Summons for Confirmation of Grant of Letters of Administration Intestate.
22. The matter was heard on 30th April, 2024 on the said dated 3 witnesses for the parties testified and were cross examination.
23. The witness for the Petitioners/Administrators was HAA. I shall hereafter refer to her as "H." H is a resident of Mombasa. She testified that the deceased's property ought to be divided equally among the heirs she had identified. In her view, S and Z already had Title No. Kilifi/Nyalani/1X2 and a plot at Maandani, which the deceased gave them, which in her view was sufficient for them.
24. H testified that the deceased divorced Z after finding her with another man. S, on the other hand, wasn't the deceased's daughter. Regarding the deceased's properties, she stated that Plot No 16X4 was in her name, Plot 8X1 was in Asila's name, Plot 4XX1 belonged to M, and 4911 was registered in H's name. It was her testimony that Plot No 891/IXI/XX (Original No 284/1XX) had been encroached and subdivided and that she incurred many expenses while attempting to recover it. She testified that she would want to be reimbursed.
25. When cross-examined, she denied that the decision of the Kadhi was still binding. In her view, their advocate, Maranga Maose, appealed against the said decision. However, She couldn't remember the citation of the appeal and the decision the appellate court made. When shown the judgement of the Kadhi, she conceded that the decision agreed with what the protestors were saying as far as the identification of the assets and heirs of the deceased is concerned. She, however, maintained that the Kadhi Decision was no longer binding.
26. H admitted that she signed the affidavit sworn on 3rd November, 2021 in which the four properties she claimed belonged to her and her sisters were stated as belonging to the estate. She explained that they were no longer in the estate's name but in their names. She could not, however, produce



- titles evidencing the said averment. She claimed that the titles got lost in the office of Aboubakar Mwanakitina. H claimed that the decision of the Kadhi had error. She further claimed without providing documentary evidence that Z had been divorced.
27. When re-examined by Mr Mureithi, H testified that Z and S got 8 acres of land, while Plot No 891/IXI/XX (original No 284/1XX), which they were seeking to share equally among eight siblings, measured 22 acres and was occupied by trespassers who had 90% of it. She prayed that the properties identified by them be shared equally.
 28. Ms. SAA testified for the Protesters. She relied on her affidavit of Protest, sworn on 31 October 2023. It was her evidence that the deceased was her father. She testified that Hon. Kadhi listed the assets and heirs of the deceased in the judgment he delivered on 28th January 2016 and identified each party's entitlement.
 29. S denied that her mother was divorced by the deceased. She stated that she and her mother were not involved in the proceedings leading to the present proceedings. She testified that the four houses fetched rent. S testified that neither she nor her mother got any rent proceeds. In her view, the Kadhi settled the issue of her status and that of her mother.
 30. When cross-examined by Mr Mureithi, S stated that she had no proof that the four houses belonged to the deceased. She conceded that the four house plans were in the name of her four stepsisters. S denied receiving a share of the rent proceeds nor demanding it. She stated that the property at Nyalani was in the name of Ronald Mwarunga, while that at Maandani was in the name of the deceased.
 31. When reexamined, S denied that she had received any property of the deceased.
 32. The second Protestor, AM, testified that Z was their father's wife while S was his (the deceased's) daughter. She testified that the application for grant of letters of administration intestate was made secretly without their involvement and that the Petitioner had averred that they were people who "wanapanga na kusema." He denied that he and other beneficiaries had been involved in these proceedings.
 33. He urged that the estate of the deceased should devolve under Islamic Law.
 34. When cross-examined by Mr Lewa, Mr A stated that he was the deceased's 5th born child (and 1st son). He noted that Z was the widow of the deceased, while S was the daughter. He denied signing a consent in this matter. He further denied that the house belonged to the sisters. He testified that the house at Magongo returned rent of Kes.20,000.00 per month, Mwandoni Kubwa, Kes.45,000.00 Mwandoni Ndogo Kes.18,000.00 while Barisheba house fetched around Kes.20,000.00.
 35. When cross-examined by Mr Mureithi, Mr A conceded that he hadn't contributed anything to the maintenance of the houses. Although he claimed to have helped A's children, he could not produce any document in support. He also admitted that he didn't have any document of ownership of the four properties. He accused his sisters of messing up the estate.
 36. At the end of the trial, the Court directed the parties to file written submissions. Pursuant to the directions of the Court, the parties complied.
 37. The written submissions were highlighted on 1st July 2024. I shall refer to the submissions of the parties below.
 38. The submissions of the Petitioners are dated 22nd June 2024. Vide the said submissions the Petitioners urged that Summons for Confirmation of Grant dated 11th August 2023 be allowed and that each of the parties bear their own costs.



39. It was submitted that the decision of the Kadhi rendered on 28th January 2016 had by its very nature/contents and circumstances been rendered otiose, nugatory, impracticable and impossible to implement and overtaken by events for including properties which didn't belong to the estate, beneficiaries who weren't qualified to inherit, by not taking into account recent events such as the death of AAA who died on 4th April 2022 and not taking into consideration enormous expenses incurred by the administrators.
40. The Petitioners framed four issues for determination as being
1. Who are the rightful beneficiaries of the estate;
 2. Which properties form part of the estate of the deceased;
 3. Whether the estate should bear the costs of administration of the estate incurred by the administrators; and
 4. What mode of distribution should be applicable?
41. On the first matter, it was urged that I should rely on the Chief's letter dated 10th August 2021. Reliance was placed on the decision of the Court *In re Estate of Magangi Obuki (deceased)* [2020]eKLR and *re Estate of Ambutu Mbogori* [2018]eKLR. Counsel urged that the letter under reference did not identify S and Z as beneficiaries. In any case they had got a share of the estate, to wit Plot Nos. Kilifi/Nyalani/1X2 at Maandani. It was urged that it wouldn't be fair for them to get Plot No 891/IXI/XX (original No 284/1XX) on the basis of equality.
42. On the second issue. It was averred that who avers must prove. The Court referred to the provisions of sections 107, 108 and 109 of the *Evidence Act*, which provide that he who alleges the existence of a fact bears the burden of proof to show that those facts exist. I was referred to the decision of the *Stanley Maina Kaguongo vs Isaac Kibiru Kabuthia* [2022]eKLR, *Alice Wanjiru Rubiu vs Messias Assembly of Yahweh* [2021]eKLR and *Katana & another vs Municipal Council of Mombasa & another* [2019]eKLR.
43. Counsel urged that the evidence adduced by the Protesters, including the building plans, shows that the plots in question already belonged to the named beneficiaries.
44. On whether the Petitioners should be reimbursed the costs of administration of the estate, it was urged, relying on the decision of the Court in *Christine Wangari Gachigi & 3 others vs Elizabeth Wambui & 9 others* [2014]eKLR that it was fair and just that the estate of the deceased bears the administrative costs and expenses.
45. Regarding which mode of distribution should be applicable, it was urged that I rely on the provisions of section 38 of the *Law of Succession Act*. Reliance was placed on the case of *In re Estate of Francis Andachila Luta (deceased)* [2022] KEHC 16900 (KLR). It was contended that Islamic Law was inapplicable "as the same was contested, discriminatory, unjust, inequitable and only serves to disinherit the daughter of the deceased herein."
46. The Protestors' submissions are dated 10th June 2024. The Protestor's counsel referred at length to the determination of the Kadhi in his judgment dated 28th January 2016.
47. It was urged that the Summons for Confirmation of Grant differed from the Petition in so far as houses on Plot Nos 16X4, Bomu 8XX1, 4XX1/MN/II and 4911/IX/XX were excluded while an unspecified plot at Maandani was included.
48. The Protestors identified issues coming up for determination as being



- a. Who are the beneficiaries of the deceased's estate?
 - b. Which properties comprise the estate of the deceased?
 - c. How the estate is to be shared? and
 - d. Who should pay the costs of the suit.
49. Regarding the 1st issue it was urged that the identity of the beneficiaries was made by the Hon Kadhi. Counsel submitted that this Court was precluded by the doctrine of res judicata from rehearing the issue again. I was referred to the decision of the Court in the case of *ACCREDO AG & 3 others vs Steffano Ucelli & another* [2019]eKLR.
50. On which assets should be identified as belonging to the estate it was urged that the Court does rely on the list prepared by the Chief Kadhi.
51. Mr Lewa submitted that the applicable law for the division of the estate was Muslim law, as the deceased was a Muslim. He, therefore, urged that I uphold the decision of the Hon. Kadhi on the mode of distribution.
52. On costs, it was urged that I ought not to make an order as this is a matter involving members of the same family.
53. The submissions of Mr. AM are dated 17th May 2024. His submissions were cosigned by AA Amran, SA Amran and Fatma Akram Amran.
54. The four beneficiaries urged that the Petition was filed without their consent and involvement and that some signatures were forged.
55. They urged that all the issues were considered by the Hon Kadhi. In the circumstances, they submitted that the Hon Kadhi's judgment be adopted as the judgment of this Court.
56. I must now determine whether the Summons for Confirmation of Grant should be allowed or if I should uphold the Protest and defer to the decision of the Hon Kadhi. To do this I must begin by first looking at the constitutional and statutory underpinning of the jurisdiction of the Kadhi's Courts.
57. Article 170(5) of the *Constitution* of Kenya, 2010 states that: -
- “The jurisdiction of a Kadhis' court shall be limited to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance in proceedings in which all the parties profess the Muslim religion and submit to the jurisdiction of the Kadhi's courts.”
58. Three elements are clearly discernible from the above constitutional provision: -
1. The jurisdiction of the said Court is limited to personal status matters, among which is succession;
 2. All the parties must profess the Muslim faith;
 3. The parties have submitted to the jurisdiction of the said Court.
59. The Constitutional provision is reiterated in section 5 of the *Kadhi's Court Act*, which provides that: -
- “A Kadhi's court shall have and exercise the following jurisdiction, namely the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance in



proceedings in which all the parties profess the Muslim religion; but nothing in this section shall limit the jurisdiction of the High Court or of any subordinate court in any proceeding which comes before it.”

60. There can be no doubt that the matter in dispute herein is the succession of the estate of a person who professed the Muslim faith. All the parties herein profess the Islamic faith. I have perused the judgment of the Kadhi’s Court and note that all the parties submitted to its jurisdiction.

61. Further, section 2(3) of the [Law of Succession Act](#) provides that:-

“(3) Subject to subsection (4), the provision of this Act shall not apply to testamentary or intestate succession to the estate of any person who at the time of this death is a Muslim to the intent that in lieu of such provisions, the devolution of the estate of any such person shall be governed by Muslim law.”

62. In my view, there are four issues in this matter: -

1. Who are the beneficiaries of the estate of the deceased?
2. What assets belong to the estate?
3. How should the estate of the deceased be devolved to the beneficiaries?
4. Costs.

63. I note that the Petitioners aver that the decision of the Honourable Principle Kadhi is no longer binding, given the subsequent events. I cannot agree with this contention, as judgments are binding until they are set aside or reviewed. No such thing has taken place with respect to this matter.

64. The Kadhi Court had jurisdiction to hear and determine this matter as the estate belonged to a deceased Muslim. The beneficiaries are all Muslims who submitted to the jurisdiction of the said Court.

65. Given the fact that the Kadhi Court, which, as I have indicated, had jurisdiction to hear and determine the said issues, made determinations regarding the beneficiaries and the assets of the deceased, it is evident to me that I may not reconsider the said issues afresh as the issues are now *res judicata*.

66. Section 7 of the [Civil Procedure Act](#) states that:-

“No court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such court.”

67. The Court, in the case of [Accredo Ag & 3 others v Stefano Uccelli & another](#) [2018] eKLR stated as follows:-

“30. The doctrine of *res judicata* as stated in the said Section has been explained in a plethora of decided cases. I only need to cite one of those cases. In the recent case of *The Independent Electoral and Boundaries Commission v Maina Kiai*



Œ 5 others, Nairobi CA Civil Appeal No. 105 of 2017 ([2017] eKLR), the Court of Appeal held that:

Thus, for the bar of *res judicata* to be effectively raised and upheld on account of a former suit, the following elements must be satisfied, as they are rendered not in disjunctive but conjunctive terms;

- (a) The suit or issue was directly and substantially in issue in the former suit.
- (b) That former suit was between the same parties or parties under whom they or any of them claim.
- (c) Those parties were litigating under the same title.
- (d) The issue was heard and finally determined in the former suit.
- (e) The court that formerly heard and determined the issue was competent to try the subsequent suit or the suit in which the issue is raised.”

31. The Court explained the role of the doctrine thus:

“The rule or doctrine of *res judicata* serves the salutary aim of bringing finality to litigation and affords parties closure and respite from the spectre of being vexed, haunted and hounded by issues and suits that have already been determined by a competent court. It is designed as a pragmatic and commonsensical protection against wastage of time and resources in an endless round of litigation at the behest of intrepid pleaders hoping, by a multiplicity of suits and fora, to obtain at last, outcomes favourable to themselves. Without it, there would be no end to litigation, and the judicial process would be rendered a noisome nuisance and brought to disrepute or calumny. The foundations of *res judicata* thus rest in the public interest for swift, sure and certain justice.”

32. My understanding of the *res judicata* principle is that it is meant to lock out from the court system a party who has had his day in a court of competent jurisdiction from re-litigating the same issues against the same opponent. Surely it would be a waste of the courts’ valuable time if there was no tool for arresting such mischief.”

68. I agree with the above decision. That being the case, I may not reconsider the previous decision of the Court, which clearly had the requisite jurisdiction. In the circumstances all I will do is to adopt the decision in this ruling.

69. The judgment of Hon Abdulhalim Athman, PK (as he then was), delivered on 28th January 2016, determined who the legal heirs of the estate are to be

1. ZMT
2. AA



3. AA
4. MA
5. HA
6. KA
7. MA
8. SA
9. AK
10. SA

70. In the said judgment, the learned Principal Kadhi determined the extent of the estate as comprising:-
1. One shamba, plot No Kilifi/Nyalani/1X2
 2. Plot No 891/II/MN (original No. 284/1XX measuring 8.244 ha
 3. House on plot No 6X4 Bomu
 4. House on plot No 8XX1
 5. House on plot No 4XX1/IX/XX
 6. House on plot No 4911/IX/XX
71. The learned Kadhi granted Z 12.5% of the estate, the six daughters, each 7.29% and the sons, 14.58%.
72. Counsel for the Petitioner has submitted that the judgment dated 28th January 2016 has by its very nature and circumstances been rendered otiose, nugatory, impracticable or impossible to implement and overtaken by events on 4 grounds, namely.
- i. That the houses on plot Nos. 16X4 Bomu, Plot No 8X1, Plot No 4XX1/IX/XX and 4911/IX/XX do not belong to the estate;
 - ii. That Z was already divorced while S wasn't a deceased daughter;
 - iii. It includes a deceased beneficiary and does not take into account the fact that the administrators have been educating the child of the deceased's beneficiary; and
 - iv. The judgment does not consider the expenses incurred by the administrators in managing the estate. Such as legal costs for the procurement of new titles, survey costs, et al.
73. Whereas those grounds may or may not have merit, the correct thing would have been for the administrators to seek a review of the judgment of the Court below on the grounds that there were mistakes apparent on the face of the record, that new facts had been discovered or that there was otherwise a sufficient reason to do so. This Court cannot ignore a judgment entered by a Court with jurisdiction.
74. Curiously, the Petition listed the estate's assets as including four properties that the Petitioners were attempting to deny belonged to him in the Summons for Confirmation of Grant. A party cannot approbate and reprobate a position at the same time.



75. As the parties seeking to assert ownership of properties already found by a court of competent jurisdiction as belonging to the deceased, the Petitioners, not the Protestors, had the burden of proof of showing that the four properties belonged to them.
76. I note in any event that: -
1. No search on the properties stated as not belonging to the estate has been produced. I do not agree that building plans amount to searches; and
 2. The Principal Kadhi listed the beneficiaries in his judgment. There is no sufficient evidence before me, even if I was sitting on appeal, to show that z Wasn't the wife of the deceased or that S wasn't his daughter.
77. In the circumstances, I uphold the findings of the Hon. Kadhi with respect
1. The identity of beneficiaries;
 2. The assets forming part of the estate; and
 3. The entitlement of each party.
78. I therefore confirm the grant dated 31st July 2024. I find and hold that
1. ZMT
 2. AA
 3. AA
 4. MA
 5. HA
 6. KA
 7. MA
 8. SA
 9. AK
 10. SA
- Are the beneficiaries of the estate of the deceased.
79. The properties of the deceased are
1. Plot No Kilifi/Nyalani/1X2;
 2. Plot No 891/II/MN (original No. 284/1XX)
 3. House on plot No 6X4 Bomu;
 4. House on plot No 8XX1;
 5. House on plot No 4XX1/IX/XX; and
 6. House on plot No 4911/IX/XX.
80. The said assets shall be distributed under Islamic law in ratios identified by Hon. Principal Kadhi. I dismiss the contention made in the submissions of the Counsel for the Administrators that devolution



of the estate of the deceased according to Islamic law would be unjust and oppressive. Article 24(4) of the Constitution of Kenya, 2010 is clear that: -

“(4) The provisions of this Chapter on equality shall be qualified to the extent strictly necessary for the application of Muslim law before the Kadhis’ courts to persons who profess the Muslim religion in matters relating to personal status, marriage, divorce and inheritance.”

81. Given the clear provisions of the Constitution, I do not see how such a challenge can be sustained.
82. I order that the properties be valued within 60 days of the date hereof and direct that the valuation reports be filed in this Court immediately thereafter.
83. I order that the Petitioners provide a statement of account for the four plots under their control within 60 days of the date thereof.
84. I order that this matter be mentioned for further directions on 16th January 2025.
85. Orders accordingly.

DATED AND SIGNED AT MOMBASA THIS 22ND DAY OF OCTOBER 2024. DELIVERED VIRTUALLY VIA MICROSOFT TEAMS.

GREGORY MUTAI

JUDGE

In the presence of:

Mr Lewa, for the Protestors;

Ms Maina, holding brief for Mr Mureithi, for the Administrators; and

Arthur - Court Assistant.

