



REPUBLIC OF KENYA



Bokea & another v Mukai & another (Suing for and behalf of the Dependants and Estate of Johnson Wachira Wahome - Deceased) (Civil Appeal E225 of 2020) [2023] KEHC 1962 (KLR) (Civ) (10 March 2023) (Ruling)

Neutral citation: [2023] KEHC 1962 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL
CIVIL APPEAL E225 OF 2020
AN ONGERI, J
MARCH 10, 2023**

BETWEEN

CRISPINE BOKEA 1ST APPELLANT

ZILLION FARM LIMITED 2ND APPELLANT

AND

JOSEPHINE MUKAI 1ST RESPONDENT

PETER MAINA WAHOME 2ND RESPONDENT

**SUING FOR AND BEHALF OF THE DEPENDANTS AND ESTATE OF
JOHNSON WACHIRA WAHOME - DECEASED**

RULING

1. The 1st respondent/applicant Josephine Mukai filed this exparte application dated 12/10/2022 seeking for the following orders:
 - i. That this honourable court be pleased to authorize the disbursement of the decretal amount payable to the plaintiffs as hereunder:-
 - a. Benson Wahome - son(Kshs.400,000/=)
 - b. Irene Muthoni - Daughter (Kshs.300,000/=)
 - c. Advocates fee (Kshs.250,000/=)
 - d. Josephine Mukai - Widow (Kshs.200,000/=)



- ii. That this honourable court do authorize amounts due and payable to the minors be deposited in an investment scheme in the joint names of the administrators to be held in trust until they attain the age of 18 years.
 - iii. That an interest accruing from the investment schemes be utilized towards the upkeep of the minors.
 - iv. That costs of this application be in the cause.
2. The application is based on the grounds on the face of it and supported by the affidavit of the applicant of even date in which she deponed as follows:
- i. That she is a co-administrator of the estate of the deceased herein Johnson Wachira Wahome (deceased) with Peter Maina Wahome.
 - ii. That she filed Milimani Civil Suit No. 10497 of 2018 on behalf of the Estate of the deceased and the court awarded ksh.1,630,820 less 25% contribution on liability leaving a total of kshs.1,223,115/=.
 - iii. That the appellants paid kshs.536,606/= leaving a balance of kshs.686,509/=
 - iv. That the outstanding amount together with interest and costs is 1,204,218.75 which is being held in a joint account on behalf of the Estate.
 - v. That she is proposing that the said amount be dispensed as follows:
 - 1. Benson Wahome – son 400,000/=
 - 2. Irene Muthoni –daughter 300,000/=
 - 3. Advocates fee - 250,000/=
 - 4. Josephine Mukai –widow 200,000/=
 - vi. That the amount in respect of the minors to be held in the joint names of the Administrators until they attain the age of majority.
3. I have considered the application dated 12/10/2022 together with the supporting affidavit. I find the same meritorious and I allow the same.
4. However, the minors’ share to be held in an interest earning trust accounts held in respect of the minors until they attain the age of majority.

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 10TH DAY OF MARCH, 2023.

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A. ONGERI

JUDGE

In the presence of:

- for the 1st Appellant
- for the 2nd Appellant
- for the Respondent/Applicant

