



REPUBLIC OF KENYA



**In re Estate of Indeché Waswa Wikinza (Deceased) (Succession Cause
569 of 2015) [2023] KEHC 20338 (KLR) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20338 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 569 OF 2015**

WM MUSYOKA, J

JULY 21, 2023

**IN THE MATTER OF THE ESTATE OF INDECHE WASWA
WIKINZA ALIAS INDECHE WASWA WIKUNZA (DECEASED)**

RULING

1. After I delivered a ruling herein, on October 21, 2022, I fixed the matter for mention to have administrators appointed herein.
2. At the mention, only Mr Shivega proposed an administratrix. Mr Ondieki indicated that he needed time to get instructions. I granted Mr Ondieki time for that purpose. At the next mention, only Mr Shivega was in attendance.
3. The that Mr Shivega represents is not a survivor of the deceased herein, but claims that the estate asset, Kakamega/Lubao/700, initially belonged to her father, and questions how it came to be registered in the name of the deceased herein. Ideally, that is a question that should not be determined in these probate proceedings, and should be placed before the Environment and Land Court in separate proceedings.
4. Ideally, Mr Shivega's client does not qualify for appointment. However, seeing that Mr Ondieki and his clients are not keen on moving the matter forward, I am left with no option but to appoint her as administratrix.
5. The order that I hereby make is to appoint Agnes Imisa Kulebi administratrix of the estate herein, to secure her interest in the matter. Additional administrators may be appointed in future, as and when Mr Ondieki and his clients will be ready to propose names for appointment. A grant of letters of administration intestate to issue accordingly to Agnes Imisa Kulebi, who shall apply for confirmation of her grant within 60 days. I shall allocate a date for compliance.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS 21ST DAY
OF JULY 2023**

WM MUSYOKA



JUDGE

Mr. Erick Zalo, Court Assistant.

Appearances

Mr. Shivega, instructed by Victor Shivega & Company, Advocates for the applicant.

Mr. Ondieki, instructed by Gichaba Ondieki & Company, Advocates for the respondents.

