

REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATE'S COURT

AT KAKAMEGA

SUCCESSION CAUSE NO. 1515 OF 2018

IN THE MATTER OF THE ESTATE OF AIJA PAUL ODARI (DECEASED)

RULING

1. This matter was initially a High Court matter, being HCSC No. 365A of 2016, before it was transferred to the Chief Magistrate's court. The cause was gazetted in the *Kenya Gazette* of 17th March 2017, but the grant was not processed, as Njagi J required, by an order made on 23rd March 2018, that a fresh letter from the Chief, of the Location where the deceased hailed from, be issued to clarify certain matters.
2. The file has been placed before me vide an order by Hon. H. Wandere, Senior Principal Magistrate, of 28th October 2020, for compliance and further directions with respect to the order of 23rd March 2018.
3. The order of 23rd March 2018 has been complied with. There is a letter on record, from the Chief of Bukhungu Location, dated 28th October 2020, which indicates that the deceased was survived by a widow, a son and an interested party. In view of that, let a grant of letters of administration intestate issue out of this cause, Kakamega CMCSC No. 1515 of 2018, in the names of Phyllice Viregwa Akeno and Milton Musinga Akeno.
4. Should there be outstanding issues, as to whether there were other survivors of the deceased or creditors of the estate, let those be addressed at confirmation of the grant, by dint of the proviso to section 71(2) of the Law of Succession Act, Cap 160, Laws of Kenya, and rule 40(4) of the Probate and Administration Rules.
5. Let the file be returned to the Chief Magistrate's court for compliance with the order made or the directions given in paragraph 3 here above. It is so ordered.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 7TH DAY OF MAY 2021

W MUSYOKA

JUDGE