



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKEMEGA

SUCCESSION CAUSE NO. 101 OF 2001

IN THE MATTER OF THE ESTATE OF GERALD AMBOYE MACHEMBE (DECEASED)

JUDGMENT

1. Gerald Amboye Mchembe, whose estate is the subject of these proceedings, died on 2nd July 1997, according to the certificate of death on record, dated 11th August 1999, serial number xxxxxx. The letter from the Assistant Chief of Shikomari Sub-Location, dated 23rd November 2000, does not identify members of the family of the deceased who survived him were. Instead it has a list of 12 individuals who are described a beneficiaries. They are Nicholas Chibole Waswa, Margaret Makokha Amboye, Amina Nechesa Anboye, Alexander Nandi Waswa, Alex Alunya Waswa, Francis Munjira Waswa, Gregory Majembe Waswa, Antony Weche Waswa, Philip Mchembe Waswa, Joseph Akhungu Burudi, Andrew Akala Waswa and Wilson Anguche Mchembe. It is not indicated how these individuals were related to the deceased. He is said to have died possessed of a property known as Butsotso/Esumeyia/xxx.
2. Representation was sought to the estate by Nicholas Chibole Waswa, Margaret Makokha Amboye, Amina Wechesa Amboye and Alex Alunya Waswa, in their capacities as sons and widows of the deceased, in a petition that was lodged in this cause on 22nd February 2001. In the petition, the petitioners listed the 12 individuals listed in the Assistant Chief's letter as the survivors of the deceased. The assets available for administration in the cause are listed as Butsotso/Esumeyia/xxx and xxxx. Letters of administration intestate were made to the four petitioners, on 13th June 20001, and a grant was thereafter duly issued, dated 18th June 2001. I shall refer to Nicholas Chibole Waswa, Margaret Makokha Amboye, Amina Wechesa Amboye and Alex Alunya Waswa, hereafter, as the administrators.
3. The administrators filed an application, dated 31st January 2002, filed in court on even date, seeking confirmation of their grant. They proposed devolution of Butsotso/Esumeyia/xxx and xxxx wholly upon themselves, that is to say Nicholas Chibole Waswa, Margaret Makokha Amboye, Amina Wechesa Amboye and Alex Alunya Waswa.
4. In apparent response to the summons for confirmation of grant, dated 31st January 2002, a chamber summons, dated 10th November 2004, was filed herein by Joseph Akhungu Waswa. It is not clear with the orders sought in the application are, save that he appeared to be unhappy with the mode of distribution proposed, principally on grounds that the same did not provide for an access road. He filed another application, dated 11th May 2006, seeking similar orders.
5. While the earlier summons for confirmation of grant was still pending, Nicholas Chibole Waswa, Margaret Makokha Amboye and Amina Nechesa Ambole filed another summons for confirmation of grant, dated 6th February 2019, wherein they proposed that Butsotso/Esumeyia/xxx be shared out amongst 16 persons, while Butsotso/Esumeyia/1878 was allocated to James Mchembe. The new application introduced new entrants, who were not in the original application, the petition and the Assistant Chief's letter, and there was no narrative as to who these new individuals were, and how they were related to the deceased. The new names were of Kevin Mukwana, Alphonse O. Waswa, Manuel Odongo Waswa, Pancras Akala Waswa, Wilson Chibole Waswa and James Mchembe.
6. On 11th June 2019, Wilson Anguche Mchembe filed a summons for revocation of grant, dated 10th June 2019. In his supporting affidavit, sworn on 10th June 2019, he appears to have an issue, not with the manner the grant was obtained, or the manner the estate was being distributed, but principally with the distribution proposed in the confirmation application, dated 6th February 2019. He avers to be a brother of the deceased, while the Nicolas Chibole Waswa and Margaret Makokha Waswa are described as his nephew and niece. He explains that the deceased held Butsotso/Esumeyia/xxx in trust for their deceased father, Isaac Mchembe, who had died in 1956 or thereabouts. He identifies the children of the late Isaac Mchembe as the late Barasa Weche, the late Gerald Amboye Waswa, Vincent Murunga and Wilson Anguche Mchembe. He avers that Barasa Weche, Wilberforce Makokha Mchembe and Vincent Murunga had been settled by the deceased on their respective portions. He asserts that he was the person entitled to Butsotso/Esumeyia/xxx, together with the late Gerald Amboye Mchembe. He complains that he was not consulted when representation was sought in the matter, and he proposes that the grant be revoked, and another be made to him jointly with Nicholas Chibole Waswa. He proposes his own mode of distribution amongst 16 individuals, but he does not disclose which of the two parcels of land he was proposing for distribution.
7. There is an affidavit on record, sworn on 5th May 2020, by Joseph Anzabwa Kataka. It is not clear to which application he is responding. He claims to be a neighbour to the property known as Butsotso/Esumeyia/xxx, and a cousin of the deceased. He talks of a meeting that the

deceased herein held where he spoke about how he wanted Butsoto/Esumeyia/xxx to be distributed after his death. He allocated 2 acres of Butsoto/ Esumeyia /xxx to his brother, Wilson Anguche Macheembe, with the remainder being shared out amongst his children as agreed. He claimsto have been at the meeting, and to have witnessed Wilson Anguche Macheembe sign a piece of paper. There is another affidavit, sworn by Chrispinus Okomba Sakwa, on 5th May 2020, along similar lines.

8. Nicholas Chibole Waswa responded, by an affidavit sworn on 5th May 2020. He asserts that the deceased herein was the first registered proprietor of Butsoto/Esumeyia/xxx, measuring 24.5 acres. He avers that Wilson Anguche Macheembe ought to have gotten his land when the deceased was acquiring Butsoto/Esumeyia/xxx. He further avers that his grandfather, the father of the deceased and Wilson Anguche Macheembe, did not own any land, as he died before the first adjudication was carried out, and the deceased did not hold any land in trust for anyone. He avers that the family was only offering him a token 0.8 hectares so that he was not rendered homeless. He argues that if he was entitled to a share in the land, he ought to have claimed it from the deceased prior to his death, and that raising the issue at succession was not tenable. He avers that prior to his death, the deceased had called a family meeting, wherein he shared out his property amongst his 15 sons, and included Wilson Anguche Macheembe as the 16th beneficiary.

9. There is also is a bundle of statements by a number of people who are said to be from the area, concerning the land dispute between Wilson Anguche Macheembe and the sons of the deceased. The statements are signed by Dickson Aura Weche, Hannington Mutende, Dickson Shisoka Wycliffe Macheembe and Julius Macheembe Indeche.

10. Directions were given on 6th February 2020, on the summons for confirmation of grant, dated 6th February 2019. The directions were silent on the fate of the other applications. However, since all turn on the issue of distribution, I shall determine them simultaneously, with the application dated 6th February 2019. I shall treat the administrators as the applicants, since these proceedings are founded on their summons for confirmation of grant dated 6th February 2019, while I shall treat Wilson Anguche Macheembe as the protestor, since his filings are in response to the distribution proposed in the summons for confirmation of grant, and such responses take the form of protests under Rule 40(6) of the Probate and Administration Rules.

11. The protestor, Wilson Anguche Macheembe, was the first on the witness box. He testified that the deceased was his brother, and that he was the registered proprietor of Butsoto/Esumeyia/xxx in trust for him. He said that the registration happened when he was small. He stated that the deceased had allocated out his share of the land to him, and that there were boundaries on the ground. After the demise of the deceased, he said, he and Nicholas went to the Chief to obtain a letter for representation purposes. They also invited a surveyor, who came and shared out the land. Later Nicholas and six others forced him to sign a piece of paper, which they had brought to him at night. They threatened to kill him. He signed under duress, only to realize it was a consent that he gets 1 acre instead of the 6 acres that he was entitled to from the land. He said that he wanted action taken against Nicholas for forcing him to sign a paper against his wish, before any other step is taken in the matter.

12. During cross-examination, protestor stated that his brothers, who would have testified on his side, had all died. He said that he resided on the land in question, and that the said land belonged to his father. He said that the deceased died of illness, in his presence, and that he could not talk him about land while he was sick. When shown a book, which was allegedly written by the deceased, through a clansman on distribution of his property, the protestor asserted that he was not party to the meeting, and he did not have to attend the meeting because the deceased knew that he, the protestor, was entitled to a share in the land. He said that he expected to raise money to process title, but the deceased died before that could be done. He said that he attended his burial, but he was not given a chance to talk. He said that he had not bought the land, and so there was no need for him to raise the issue at the burial. He said that it was Nicholas who had brought the surveyor, and that there was agreement then on distribution. He asserted that it would be a lie to say that the land was not held in trust. He said he could not complain when the land was registered solely in the name of the deceased as he was small then. He said that he was not interested in the portion meant for Nicholas, and urged that Nicholas should take his share and leave the protestor with his.

13. Dickson Aura Weche testified on the side of the applicant. He stated that the deceased was his uncle, and so was the protestor. He explained that the protestor got 2 acres each from the deceased, Weche and Makokha, in 1970, making a total of 6 acres.

14. Nicholas Chibole Waswa, one of *the* administrators, followed. He said that the deceased was his biological father. He described Margaret Makokha, an administratrix, as his stepmother, and the protestor as his uncle. He asserted that he was not aware that the deceased held Butsoto/Esumeyia/xxx in trust for the protestor, as there was no written material to that effect. He urged that the grant be confirmed according to his proposal. During cross-examination, he stated that he was about 14 years old when the deceased allegedly gave land to the protestor. He said that he had not seen any boundary on the land, and that he did not know whether the protestor had his own land.

15. Margaret Makokha Waswa, the administratrix, was the next to take the stand. She described the deceased as her husband, and the protestor as her brother-in-law, and Nicholas her son. She said that the protestor had his own land. He had children, and he had shared out his land amongst his children. She said that she was cultivating on the land that the deceased had allocated to her.

16. Joseph Azabwa Kataka testified next. He said that he was a relative of the deceased, describing Nicholas as a nephew, the administratrix was his in-law, and the protestor a cousin. He stated that the deceased had given to the protestor 2 acres of land, and asserted that whatever else was being said was a lie. He said that his other brothers were also given 2 acres each, to make a total of 6 acres. During cross-examination, he denied that he had come to court to bring trouble between the protestor and Nicholas. He stated that the protestor was cultivating on 2 acres that he had been given by the deceased, and that he had also been given 2 acres by Makokha and 2 acres by Weche, making a total of 6 acres. He said that he was present when the surveyor came to map out the land, and that in that exercise the protestor was given 4 acres.

17. Chrispinus Okomba Sakwa testified next. He described the deceased as his maternal uncle, and the protestor as one of his other uncles. He said the deceased gave to the protestor 2 acres as his brother. During cross-examination, he said that the land given out was family land. He said that the protestor was not a son of the deceased, so as to be given land by the said deceased person. He said he was present when the land was given out, and that he was the one who reduced the transaction into writing. He said that the title deed remained in the name of the deceased.

18. The parties hereto are not represented, and they have filed two summonses for confirmation of grant, one for revocation and two others. All these applications turn on distribution of the estate, and I shall, therefore, treat all of them as such. Distribution of an estate is ordered by the court through a confirmation application. In a confirmation application, the court is called upon to confirm two issues – appointment of the administrators and the distribution of the estate. For avoidance of doubt, section 71 of the Law of Succession Act says:

“Confirmation of Grants

71. Confirmation of grants

(1) After the expiration of a period of six months, or such shorter period as the court may direct under subsection (3), from the date of any grant of representation, the holder thereof shall apply to the court for confirmation of the grant in order to empower the distribution of any capital assets.

(2) Subject to subsection (2A), the court to which application is made, or to which any dispute in respect thereof is referred, may—

(a) if it is satisfied that the grant was rightly made to the applicant, and that he is administering, and will administer, the estate according to law, confirm the grant; or

(b) if it is not so satisfied, issue to some other person or persons, in accordance with the provisions of sections 56 to 66 of this Act, a confirmed grant of letters of administration in respect of the estate, or so much thereof as may be administered; or

(c) order the applicant to deliver or transfer to the holder of a confirmed grant from any other court all assets of the estate then in his hands or under his control; or

(d) postpone confirmation of the grant for such period or periods, pending issue of further citations or otherwise, as may seem necessary in all the circumstances of the case

Provided that, in cases of intestacy, the grant of letters of administration shall not be confirmed until the court is satisfied as to the respective identities and shares of all persons beneficially entitled; and when confirmed such grant shall specify all such persons and their respective shares.”

19. With respect to appointment of administrators, the court is required to ascertain whether the administrators had been properly appointed. Secondly, the court is required to evaluate whether, upon being so properly appointed, if it does find that they were so properly appointed, the administrators went about administering the estate in accordance with the law. Finally, the court is required to assess whether the administrators, upon confirmation of their grant, would continue to properly administer the estate in accordance with the law. I suppose that with regard to the third limb, the court will be guided chiefly by the material before it that points to whether the grant had been obtained properly and whether the administrators had administered the estate properly and in accordance with the law up to the point of the filing of the confirmation application.

20. The issue of appointment of the administrators, and whether they ought to be confirmed has not been seriously contested. The protestor has filed an application for revocation of the grant, but in it he has not sought to bring it under any of the grounds set out in section 76. He does not claim that the grant was obtained through a defective process, nor that there was fraud or misrepresentation, nor that there was maladministration, nor that the grant had become useless and inoperative. He does not complain that he was left out of the process. His principal, and perhaps only, complaint, is that the acreage allocated to him in the proposed distribution was not adequate, for he was entitled to far more than that. In effect, his application is really not a proper application for revocation of grant. He should have filed an affidavit of protest instead.

21. The estate the subject of these proceedings is of the late husband of the administratrix and the father of the other administrators. The deceased was a brother of the protestor. Going by the provisions of section 66 of the Law of Succession Act, the surviving spouse and the surviving children of the deceased had a prior right to administration over the protestor, as a brother of the deceased. The surviving spouse and the children were not obliged to comply with Rules 7(7) and 26 of the Probate and Administration Rules, by having citations issued to the protestor, or having him renounce his entitlement to apply for representation, or obtaining his consent in that respect. His entitlement to administration was inferior or lesser to theirs. Overall, I cannot see any good reason why the administrators should not be confirmed as such.

22. Distribution of assets raises two principal issues. The first, and the more critical, is about the assets that make up the estate. Succession is all about property, and without property there is no estate to be distributed, and the question of succession would not even arise. Secondly, is the matter of the persons who are entitled to a share of the property. The two critical aspects of confirmation are brought out in the proviso to section 71(2). That proviso requires that the court be satisfied, before distribution, that the administrator has ascertained all the persons who are beneficially entitled to the estate and has determined the shares of each one of them to the assets. That presupposes that all the assets available for distribution should have also been ascertained before distribution can be proposed, for distribution should be of the assets that are available for that purpose. In the instant case, there is no dispute, that the deceased died possessed of only two assets, Butso/Esu/Esu/Esu/xxx and 1878. Therefore, the matter of the assets of the estate being ascertained should not be an issue.

23. The other requirement is ascertainment of the persons who are beneficially entitled to the assets. The deceased died intestate, and, therefore, the court should only be concerned about who his survivors are, for it is such persons who would be entitled in intestacy to a share in the estate. He died in 2001, long after the Law of Succession Act came into force on 1st July 1981. By dint of section 2(1) of the Law of Succession Act, his estate fell for distribution in accordance with the law in force after 1st July 1981, and that is to say Part V of the Law of Succession Act.

24. It is not clear whether it is sections 35 or 36 or 38 or 40 of the Law of Succession Act that should apply on the distribution of the estate, because, the administrators have not clearly identified the survivors. In the letter by the Assistant Chief, the petition and the summons for confirmation of grant, names of 15 individuals have been listed, but it has not been disclosed who these individuals were to the deceased. Some of them have been identified as widows of the deceased and some as sons, but some have not been described at all. Distribution upon intestacy, that is where a person has died without leaving a will, is to the immediate survivors of the deceased. Priority is given to the surviving widow or widows, followed by the children. These two categories are usually taken together, and where the deceased was survived by a spouse or children, or both, the two categories would be entitled to take the property to the exclusion of everyone else. The other categories of survivors are other relatives of the deceased, as set out in section 39 of the Law of Succession Act. These are not entitled, for as long as the deceased was survived by a spouse or child or both. They can only come into contention where there was no spouse or child. Where there was a child who had also died, but leaving children, then the children of such child would have priority in inheritance over the other relatives of the deceased, by dint of section 41 of the Law of Succession Act. I cannot tell, therefore, from the names being thrown around, in this matter, whether the survivors were spouses or children or who. I cannot, therefore, decide whether distribution should be in terms of sections 35 or 36 or 38 of the Law of Succession Act.

25. More importantly, there was mention, during the oral hearing, and in one of the filings, that the deceased had probably married more than once. From the application filed by Joseph Akhungu Waswa, on 10th November 2004, and his affidavit sworn on even date, it would appear that the deceased was a polygamist, who had married five times. The division of the estate of a polygamist is governed by section 40 of the Law of Succession Act. The property is shared out amongst the houses. Crucially, therefore, the administrators must disclose and group the survivors of the deceased according to their houses, since the court will, ultimately distribute the estate in accordance with the five houses. That was not done in this case. The administrators did not disclose to the court that the deceased had five wives. They should have listed the survivors according to the five houses, disclosing whether the wife in each house was alive or dead, the number of children in each of the houses, whether alive or dead. For any dead children, they are obliged to disclose whether such children were themselves survived by spouse and or children. Without such disclosures, there cannot be a fair distribution of the estate.

26. The other thing of note is that apart from Margaret Makokha Amboye and Amina Nechesa Amboye, who appear to be widows of the deceased, the rest of the individuals are all male. I presume that they are the sons of the deceased. I am not persuaded that out of the five wives, the deceased did not beget daughters. If the deceased did, indeed, have daughters, and the administrators did not disclose them, both at the time they petitioned for representation, and at the application for confirmation of the grant, then they have committed a grave omission, because the law requires disclosure of all the children of the deceased.

27. Applications for grants of representation, which include a grant of letters of administration intestate, are governed by section 51 of the Law of Succession Act. Section 51(2) states the details of what ought to be disclosed, and it states as follows:

“(1) ...

(2) Every application shall include information as to—

(a) the full names of the deceased;

(b) the date and place of his death;

(c) his last known place of residence;

(d) the relationship (if any) of the applicant to the deceased;

(e) whether or not the deceased left a valid will;

(f) the present addresses of any executors appointed by any such valid will;

(g) in cases of total or partial intestacy, the names and addresses of all surviving spouses, children, parents, brothers and sisters of the deceased, and of the children of any child of his or hers then deceased;

(h) a full inventory of all the assets and liabilities of the deceased; and

(i) such other matters as may be prescribed.”

28. The deceased herein died intestate. The provision in section 51(2)(g), requires that all the persons mentioned listed or mentioned in there be disclosed, whether or not they will take a share in the estate. So, based on that the administrators did not properly ascertain the survivors of the deceased, if the deceased had been survived by daughters. I cannot overlook that shortcoming, given that the law on distribution to apply would not be customary law, under which daughters did not have a right to inherit. The deceased died after the Law of Succession Act had come into force, and, by dint of section 2(1) of the Act, customary law did not apply and daughters were entitled to equal share with the sons. It, perhaps, ought to be pointed out that the Law of Succession Act is gender-neutral. Its references to “children” should not be construed to mean sons or male children. It covers both male and female, sons and daughters, whether married or not. For a person who died in 2001, daughters have to be disclosed, and involved in the succession process. Their exclusion, therefore, is an anomaly that cannot be overlooked, and if the same is not rectified, it can be a fertile ground for revocation of the grant.

29. The discussion above should suffice to demonstrate that the administrators have not fully complied with the proviso to section 71(2) of the Law of Succession Act, and also Rule 40(4) of the Probate and Administration Rules, which require them to ascertain all the persons beneficially entitled to a share in the estate of a deceased person. Daughters are persons who are beneficially entitled to the estate of their late

after by dint of sections 35 and 38, whether they will take the shares due to them, will ultimately depend on whether the daughters will waive or renounce or give up their shares, which they can only do if they are involved in the process.

30. The principal controversy in this matter is brought by the protestor, a brother of the deceased, who claims that Butsotso/Esumeyia/xxx did not belong absolutely to the deceased, since he held it in trust for the protestor, who was entitled to a portion of it. That is contested by the survivors of the deceased. Entitlement to part of property registered in the name of another raises the question of ownership to such land. There are also questions of the use and occupation of the land, given that the protestor claims to be in occupation or is using the portion that he asserts to be entitled to. He claims 6 acres of the land, on grounds that the property belonged to his father, and, therefore, it was his share of inheritance from his father. Nicholas says that he had been allocated only 1 acre, since he was in occupation, and they did not want to render him destitute. One of the witnesses that Nicholas called stated that the protestor had been given 2 acres of the land, by way of donation from the deceased, and he had benefited from 2 acres each from two other brothers of the deceased. The administratrix appears to hold the view that he had his own land, and he should get nothing from Butsotso/Esumeyia/xxx. The position is not very clear, as to whether Butsotso/Esumeyia/xxx was ancestral land, from which the protestor was entitled to a portion thereof, or that he had been given a donation or gift out of land belonging to the deceased. I shall not venture to say anything about the matter beyond that lest I prejudice the position of the parties should they file any further suits relating to it.

31. Whatever the case, the issue raised by the protestor turns around ownership of Butsotso/Esumeyia/xxx. He is not a child of the deceased herein, and, therefore, his claim to the land is not founded on the provisions of the Law of Succession Act. It is an ownership issue which can only be resolved in separate proceedings. Firstly, sitting as a Judge of the High Court, I have no jurisdiction to determine an issue of ownership or use or occupation of land, by dint of Articles 162(2) and 165(5) of the Constitution. Secondly, under Rule 41(3) of the Probate and Administration Rules, some issues should not be resolved within the context of a confirmation application, and where such issues arise, touching on an asset that has been placed before the court for distribution, that property ought to be set aside, to allow time to the parties to place the matter before another court in separate proceedings, for a determination of the issue. The probate court may thereafter proceed to distribute the rest of the assets that are not in contention.

32. I am of the persuasion that the issue raised by the protestor ought to be handled in the manner prescribed by Rule 41(3) of the Probate and Administration Rules. The mandate of the probate court is distribution of the estate of a dead person. What is distributed is the free property of the deceased. Property whose ownership is subject to contention of some kind is not free property, and the court should not venture to try to determine the issue in the context of a confirmation application. It would be more convenient for such issue to be disposed of separate proceedings limited only to determine that single issue. That could take the form of proceedings commenced under Order 36 of the Civil Procedure Rules or a full-fledged suit at the Environment and Land Court.

33. It would appear that Butsotso/Esumeyia/xxx is the main asset of the estate. the other asset, Butsotso/Esumeyia/1878, appears to be relatively small, and it may not profit to go on and distribute it, after setting aside or removing Butsotso/Esumeyia/xxx from the distribution schedule, as envisaged by Rule 41(3) of the Probate and Administration Rules, to allow the parties resolve the dispute over the ownership elsewhere.

34. The grant on record was made on 13th June 2001 to four individuals. At the confirmation hearing, only two of them were active. I have no idea whether the rest are still alive. If any of the four have passed on, that fact was not brought to the attention of the court. I shall presume that they are alive.

35. The orders that I am inclined to make for now are as follows:

a. That I hereby confirm Nicholas Chibole Waswa, Margaret M. Amboye, Amina N. Waswa and Alex A. Waswa as the administrators of the estate of the deceased herein;

b. That I hereby remove Butsotso/Esumeyia/xxx from the schedule of the assets of the estate of the deceased herein, in terms of Rule 41(3) of the Probate and Administration Rules, to allow the parties have the dispute between them, over ownership of the said property, resolved in separate proceedings;

c. That as Butsotso/Esumeyia/1878 cannot be conveniently distributed in isolation of Butsotso/Esumeyia/xxx, for the reasons given in the body of the judgment, I hereby postpone distribution of the said property to await outcome of any proceedings that may be filed under (b) above;

d. That the distribution of the two parcels of land shall be addressed only after determination of the question as to whether the same was held in trust by the deceased for the protestor, as indicated in (b) above;

e. That in the meantime, the administrators shall file further affidavits, within 30 days, to disclose all the daughters of the deceased or their survivors, and to group the survivors of the deceased according to the five houses;

f. That the matter shall be mentioned thereafter to confirm compliance;

g. That should the protestor fail to file a separate suit for determination of his right to Butsotso/Esumeyia/xxx, within the next 365 days, the administrators shall be at liberty to have the matter placed before the Judge, for the making of final orders on the distribution of the estate, subject to (e) above;

h. That each party shall bear their own costs; and

i. That any party aggrieved by the orders that I have made herein has leave to move the Court of Appeal appropriately, within twenty-eight (28) days.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 18TH DAY OF JUNE 2021

W. MUSYOKA

JUDGE