



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**SUCCESSION CAUSE NO. 911 OF 2015**

**IN THE MATTER OF THE ESTATE OF PETRO AIYA CHISAGHA alias KHAYIYA SHISAKA  
(DECEASED)**

**RULING**

1. On 30<sup>th</sup> October 2020, I delivered a judgment herein, wherein I dismissed a protest by an alleged buyer of estate property, but I set aside the property he was claiming, Kakamega/Shibuname/616, to allow the protestor pursue his claim against that property at the Environment and Land Court. That had the effect of postponing distribution of the estate with respect to that asset.
2. There was a second limb to the judgment. I postponed the confirmation application generally, to allow the administrator address certain issues, by filing an affidavit to that effect. That he has done, by filing an affidavit herein, on 27<sup>th</sup> January 2021, sworn on 25<sup>th</sup> January 2021.
3. From my reading of the said affidavit, I am of the persuasion, that distribution of Kakamega/Shibuname/1185, without Kakamega/Shibuname/616, could occasion injustice or inconvenience to some of the beneficiaries. Consequently, I hold the view that confirmation of the grant be suspended until after the issue of the protestor's entitlement in Kakamega/Shibuname/616 is determined. The parties shall move the court once a determination is made with respect to the same. There is liberty to apply.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 18<sup>th</sup> DAY OF  
June 2021**

**W. MUSYOKA**

**JUDGE**