

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUNGOMA

P & A CAUSE NO. 137 OF 2006

IN THE MATTER OF THE ESTATE OF ZACHARIA MULATI SIMIYU-DECEASED

VINCENT SIKUKU MULATI.....1ST PETITIONER

ISAAC ZACHARIA MULATI.....2ND PETITIONER

EMMANUEL MULATI.....3RD PETITIONER

VERSUS

WYCLIFFE WANJALA SIMIYU.....1ST INTERESTED PARTY

AMOS WABWILE MULATI.....2ND INTERESTED PARTY

AND

TERESA NEKESA SIMIYU.....PROTESTOR

RULING

As the court was preparing to write the judgment in this matter and upon perusing the file, the court notes that the issue coming up for determination is a distribution of the estate. As such, for the court to be able to distribute to the parties in terms of Section 40 of the Law of Succession Act, it is proper that the parties present a true, accurate and actual position of the estate.

In particular, the court notes that some properties of the estate have been disposed of and the titles transferred to third parties. These particular assets have not been disclosed. Some of the properties have equally been sub divided and allocated new numbers.

It is also clear that some of the dependants have settled in some of the parcels of land which fact has not been disclosed to the court.

As such, the parties herein are directed to file comprehensive affidavits detailing the assets of the estate, the beneficiaries and the status of occupation of each of the parcels of the estate.

The matter shall be mentioned on 25/1/2022 at 2. 30 pm for further orders of the court.

DATED AT BUNGOMA THIS 17TH DAY OF NOVEMBER, 2021

S. N. RIECHI

JUDGE