

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 123 OF 2017

IN THE MATTER OF THE ESTATE OF J. K DECEASED

RULING

1. The application subject matter of this ruling is the one filed by and GWK a.k.a. GWK and DKK dated 15th May, 2019. Both applicants are beneficiaries of the estate of the deceased herein being wife and son respectively. They seek for the release of rent proceeds of Plot number [...] Namanga as would be sufficient to provide for their general welfare and medical expenses.
2. The widow is said to have suffered a stroke, has advance Alzheimer's disease, type 2 diabetes and is hypertensive. D on his part is said to have suffered a mild stroke and requires medical treatment.
3. The application was not opposed.
4. In paragraph 9(1) of the deceased will, directed his trustees to use proceeds of Plot No. [...] Namanga for the general welfare and medical expenses of both the applicants.
5. No prejudice in my view is likely to be suffered by any beneficiary in the will or those objecting to the confirmation of the grant of Probate claiming to be dependants, should the sick wife and son of the deceased be taken care of from the income of the estate.
6. Consequently I hereby direct the executors/trustees of the will of the deceased herein, do make reasonable provision towards upkeep and medical needs of the applicants based on paragraph 9 of the deceased will pending final determination in this cause.
7. Costs in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 13th DAY OF FEBRUARY, 2020.

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ALI-ARONI

JUDGE