



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 556 OF 2004**

**IN THE MATTER OF THE ESTATE OF LYDIA KHAMALISHI (DECEASED)**

**REUBEN BURUDI SATIA ..... PETITIONER**

**VERSUS**

**AYUB CHEMANGA ..... 1<sup>ST</sup> PROTESTOR**

**EDWARD MAHANGA ..... 2<sup>ND</sup> PROTESTOR**

**MARK MMASI ..... 3<sup>RD</sup> PROTESTOR**

**JAIRUS M. WACHIYA ..... 4<sup>TH</sup> PROTESTOR**

**DAVID MUSWACHI ..... 5<sup>TH</sup> PROTESTOR**

**RULING**

1. The petitioner has filed summons for confirmation of grant dated 30<sup>th</sup> March, 2012 seeking that the grant issued to him on the 7<sup>th</sup> May, 2008 be confirmed. The application was opposed by one David Muswachi vide his affidavit of protest filed in court on the 16<sup>th</sup> April, 2013 in which he opposed the mode of distribution proposed by the petitioner on the grounds that the petitioner is a stranger to the estate of the deceased and that he is not even a member of the deceased's family. Further that the action by the respondent of filing the succession cause was mischievous and intended to grab the estate of the deceased.

2. The affidavit of protest was followed by a reply by the petitioner to the affidavit of protest filed on 30<sup>th</sup> April, 2013. Since then the petitioner has been taking hearing dates for the hearing of the application yet no directions have been taken on the manner as to how the protest should proceed.

3. In the premises parties to take a mention date with the view of taking directions on how to proceed with the protest.

**Delivered, dated and signed in open court at Kakamega this 6<sup>th</sup> day of February, 2020.**

**J. NJAGI**

**JUDGE**

In the presence of:

Mr. Mukavale for petitioner

Petitioner – present

Protestors - absent

Court Assistant - Polycap

30 days right of appeal.