

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

SUCCESSION CAUSE NO 875 OF 2015

IN THE MATTER OF THE ESTATE OF FREDRICK SHIKUKU MUKABANA, DECEASED

RULING

1. A ruling was delivered herein, on 22nd May 2020, which directed the applicants to file a comprehensive list of the family, the children of the deceased and creditors of the estate, including buyers who had bought assets of the estate from the deceased prior to his demise.
2. The administrators, in compliance with the said directions, filed an affidavit sworn on 23rd July 2020, in which they complied with most of what was required of them. However, in as much as the said affidavit states that the sale agreements in respect of the sales mentioned therein are annexed, the same have not been attached to the affidavit filed in court, and, therefore, the said sale agreements are not part of the court record.
3. Without the said sale agreements it is nigh impossible for the court to make a determination of the exact estate available for distribution amongst the beneficiaries.
4. It is, therefore, in the interest of justice, that I hereby grant leave to administrators to file fresh affidavits, annexing the said sale agreements. It is so ordered.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 4TH DAY OF DECEMBER 2020

W MUSYOKA

JUDGE