



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
SUCCESSION CAUSE NO. 2004 OF 2015
IN THE MATTER OF THE ESTATE OF NNN (DECEASED)
DIRECTIONS

1. I have looked at the application for confirmation and the responses. There are questions that the rival affidavits do not answer. The questions are as follows: -

- (a) Were the deceased and JWG still married at the time the former died on 5th July 2015?
- (b) Were there divorce proceedings between the two, and had a divorce been granted?
- (c) For how long had the two been married?
- (d) When did the deceased marry LWN, if at all?
- (e) Are her two children the children of the deceased?
- (f) Who were the shareholders of N Enterprises Ltd at the time of the deceased's death, and how many shares did the deceased have in the company?
- (g) What properties did the company own at the time of the deceased's death?
- (h) Who are the creditors of the estate of the deceased, and how much is that credit?

2. It is my considered view that the grant issued cannot be confirmed before a determination is made on these questions.

3. Counsel to the parties had agreed to have the dispute determined on affidavit evidence and written submissions. But the affidavits have provided very scanty information, especially on the issues above.

4. I consequently direct that the matter be heard orally on 16th April 2019. In the meantime, parties are at liberty to file within 30 days any further affidavits on the above questions.

DATED and SIGNED at NAIROBI this 5TH day of FEBRUARY 2019.

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 11TH day of FEBRUARY 2019.

ALI-ARONI

JUDGE