

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

SUCCESSION CAUSE NO. 121 OF 2016

IN THE MATTER OF THE ESTATE OF THE LATE ISAAC ELIUD NDWEYI PETER OKOTH

ELIUD NDWEYI PETER OKOTH.....DECEASED

VERSUS

JANE AGUTU NDWEYI AND ANOTHER.....PETITIONERS

(Formerly Kisumu High Court Succession Cause No. 340 of 2015)

RULING

1. I have considered the summons for confirmation of the grant dated 17/4/2019 in respect of grant made on 12/1/2017 in favour of Jane Agutu Ndweyi Okoth and Samuel Peter Okoth Ndweyi. I have also considered the Affidavit in support of the summons and the further affidavits filed on 4/7/2019 attaching a schedule of distribution of the Estate.

2. I have also examined the beneficiaries who are before the court and the affidavits of the beneficiaries who are out of the country and those who are not present but sworn no objection affidavits.

3. I am satisfied that the Estate of the deceased Isaac Eliud Ndweyi Peter Okoth is fully and equitably distributed among the bonafide beneficiaries thereof by agreement as per the schedule of distribution attached save that the widow, Mrs. Jane Agutu Ndweyi Okoth shall in addition to holding Land Parcel **No. East Gem/Marenyo/1516** in trust for the minor John Paul Opiyo Ndweyi, she will also hold a life interest in the said parcel of the land as that is where her homestead is and should she predecease John Paul Opiyo Ndweyi, the whole parcel will be wholly owned by the said John Paul Opiyo Ndweyi.

4. Accordingly, the grant of letters of Administration intestate of the estate of the late Isaac Eliud Ndweyi Peter Okoth issued to Jane Agutu Ndweyi Okoth and Samuel Peter Okoth Ndweyi on 12/1/2017 be and is hereby confirmed.

5. Orders accordingly.

Dated, signed and Delivered at Siaya this 8th Day of July 2019

R.E. ABURILI

JUDGE