

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

SUCCESSION CAUSE NO. 600 OF 2009

IN THE MATTER OF THE ESTATE OF MWISUKHA NDAKWA (DECEASED)

BETWEEN

1. KHALUMU SHITANDA

2. DAUDI LUMBASI.....PETITIONERS

VERSUS

1. FRANCIS MUTULA MWISUKHA

2. NABOTH AMBULWA MWISUKHA.....OBJECTORS

R U L I N G

The Objection of the Objectors Francis Mutula Mwisukha and Naboth Ambulwa Mwisukha is on the erroneous inclusion by the administrators of Patrick I. Lutawa as beneficiary instead of a rightful heir, son of the deceased Musa Ndakwa Mwisukha in sharing land parcel S/KABRAS/LUKUME/882. One of the administrators Daudi Lumbasi swore an affidavit on 6th November 2013 admitting the error, and requesting confirmation of grant.

In that event, I confirm the grant of letters of administration, because the objection has been resolved. Distribution of assets will be as per the affidavit of **Francis Mutula Mwisukha** and **Naboth Ambulwa Mwisukha** (the objectors) dated 3rd December 2012.

Orders accordingly.

Dated and delivered at Kakamega this 15th day of May, 2014.

George Dulu

J U D G E