

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT HOMA BAY

SUCCESSION CAUSE NO. 85 OF 2013

IN THE MATTER OF THE ESTATE OF

HARRISON WADEYA SIRO (DECEASED)

BETWEEN

POLYCARP OWUOR NYABUTE.....CITOR

AND

AMBELEYA WADEYA.....CITEE

RULING

I am satisfied that the citee has been served. She is the wife of the deceased, Harrison Wadeya Siro who died in the year 2006. According to the affidavit of the citor sworn on 2nd December, 2013, the citor purchased the land Parcel HOMA BAY MUNICIPALITY/BLOCK/800 from the deceased on or about 8th August 2003 but the transaction could not be completed. The citor depones that he has attempted over the years to engage the family of the deceased but without success. It is now 10 years since the transaction was done and it is the interest of justice that the citor's interest is protected. In the circumstances, I direct as follows:

1. The citor do serve this ruling and order on the citee to enable the cite apply for grant of letters of administration for the estate of the deceased.
2. If the citee, AMBELEYA WADEYA fails and or refuses to file the petition within twenty one (21) days of service of this order, the citee shall be at liberty to file the petition.
3. The citee shall obtain a list of all the beneficiaries of the deceased's estate from the area chief and include them in the petition filed.

DATED AND DELIVERED AT HOMABAY THIS 12TH DAY OF JUNE 2014

D. S. MAJANJA

JUDGE