



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISCELLANEOUS CASE NO. E094/2024**  
**IN THE MATTER OF AN APPLICATION OF DECLARATION**  
**OF DEATH OF MESHACK KAKUTA KINGI (DECEASED)**

**HELLEN MUNINI WAEMA ..... 1<sup>ST</sup>**  
**APPLICANT**

**CYRUS MUTUNGI KAKUTA ..... 2<sup>ND</sup>**  
**APPLICANT**

**SYLVESTER MUTHIANI ..... 3<sup>RD</sup>**  
**APPLICANT**

**HEZRON KINGI ..... 4<sup>TH</sup>**  
**APPLICANT**

**JUDGEMENT**

1. In their application dated 22<sup>nd</sup> March 2024 the Applicants are seeking orders that:-
  - (a) Meshack Kakuta Kingi be and is hereby presumed dead.
  - (b) The court do order the Registrar of Births and Deaths to issue Death Certificate in respect of Meshack Kakuta Kingi.
  - (c) Any other orders of the court.

2. The application is based on the grounds thereof and the sworn affidavit of the 1<sup>st</sup> Applicant dated the same date and a further affidavit sworn on 25<sup>th</sup> April 2025.
3. There are also sets of authorities signed by the rest of the Applicants in support of the application.
4. Briefly the Applicants aver that they are the wife, sons and brothers of Meshack Kakuta Kingi who disappeared sometimes in the year 2007 and to date he has never been seen.
5. The Applicants have attached a letter from the Kalamba Assistant Chief's office dated 15<sup>th</sup> November 2023 as well as the copy of the Occurrence Book (OB) from police station.
6. From the averments in the affidavits, it appears that for over ten years the said person has never been seen or traced despite all diligence.
7. **In the premises I do find merit in the application and the same is hereby allowed as prayed.**
8. **Costs in the cause,**

**Dated signed and delivered via video link at Nairobi  
this 2<sup>nd</sup> day of October 2025.**

**H K CHEMITEI  
JUDGE**