



REPUBLIC OF KENYA



In re Estate of the Late Guracha Hiko Guracha (Deceased) (Succession Cause E002 of 2025) [2025] KEKC 19 (KLR) (15 May 2025) (Ruling)

Neutral citation: [2025] KEKC 19 (KLR)

**REPUBLIC OF KENYA
IN THE KADHIS COURT AT NAKURU
SUCCESSION CAUSE E002 OF 2025
IN NYABOGA, SRK
MAY 15, 2025**

**IN THE MATTER OF
AMINA GURACHA HIKO PETITIONER**

RULING

1. The petitioner, under section 7(3) of the *Law of Succession Act* and under rule 40(1) of the *Probate and Administration Rules* approached this Honorable Court and prayed for and order:
 - a. That the Grant of Letters of Administration intestate of the above deceased made to Amina Guracha Hiko by this Honorable Court on 15th April 2025 be confirmed.
2. The grounds of the application were inter alia that:
 - a. The administrator, Amina Guracha Hiko (widow) is in need of the grant to be confirmed before the expiry of six months reasons being that she is in need of cash to clear some bills which were left behind by her late husband, Guracha Hiko (deceased).
 - b. The beneficiaries to the estate of the deceased have agreed to the above.
3. The application is supported by an affidavit dated 23th April 2025 and sworn by the petitioner herein and a consent signed by all the beneficiaries to the estate of the deceased.
4. The matter came up for hearing in which all the beneficiaries to the estate of the deceased made appearance to the Court virtually.
5. The petitioner testified that the deceased passed away on the 28th January 2025 at Gilgil in Nakuru County. She further testified that before his demise, the deceased had retired from the Kenya Defense Force where he had worked and left behind cash in his bank account at Equity Bank, Gilgul branch.
6. She prayed that the grant issued to her be confirmed before the expiry of six months for reasons that there is minor who is in form four at Njoro Boys High School whom the deceased used to cater for his



- educational needs before his demise. She furthermore stated that there are three grand-children of the deceased who are under her care and the deceased was the one who was responsible for their needs.
7. The petitioner finally stated that they had agreed as a family and signed a consent that the estate of the deceased be awarded solely to her.
 8. All the beneficiaries who were before Court confirmed that they voluntarily had indeed agreed and signed the consent that the estate of the deceased be awarded to their mother.
 9. Sub-section 3 of section 71 of the *Law of Succession Act* provides that:
 - “The court may, on the application of the holder of a grant of representation, direct that such grant be confirmed before the expiration of six months from the date of the grant if it is satisfied-
 - a. that there is no dependant, as defined by section 29, of the deceased or that the only dependants are of full age and consent to the application;
 - b. that it would be expedient in all the circumstances of the case so to direct.”
 10. The deceased left behind one wife and four children, three males and a female who are all adults of sound mind and who have also agreed and consented to this application. The deceased furthermore left behind three grand-children who are in primary and secondary school and of minority age. In Respect to the section of the Act (supra), these three are regarded among the beneficiaries to the estate of the deceased but cannot consent because of their age.
 11. The law applicable before the kadhis’ courts is the Muslim law and thus in the instance case, the wife and the four children are the only beneficiaries to the estate of the deceased as laid down by the Islamic Principles of inheritance and thus, the consent of the minors herein is not a requirement. Furthermore, all the minors referred to have both their parents who are the direct heirs to the deceased except the one who is in secondary school who is a nephew to the deceased.
 12. All the beneficiaries to the estate agree that the support the minors were accorded by the deceased will continue but now from the deceased’s wife and it is the view of this court that it is expedient in the circumstances that the Grant of Letters of Administration intestate issued to the petitioner by the Honorable be confirmed.
 13. From the aforementioned, the Grant of Letters of Administration intestate issued to the petitioner on 15th April 2025 be and is hereby confirmed.

DATED, SIGNED AND DELIVERED ON THIS 15TH DAY OF MAY 2025

IDRIS N. NYABOGA

SENIOR RESIDENT KADHI

