



REPUBLIC OF KENYA

IN THE KADHIS COURT AT GARSEN

SUCCESSION CASE NO 05 OF 2018

IN THE MATTER OF THE ESTATE OF

JUMA BADADI ABAROBA..... DECEASED

ABDI JUMA BADADI PETITIONER

In this succession matter dated 20th NOVEMBER 2018 the petitioner prayed for the determination of heirs of the deceased. The estate of the deceased is under the administration of the Public trustee NAIROBI. The petitioner claimed that, the deceased was his father. He was survived by widow and 3 sons. The widow petitioner’s mother (Rukia Boya Danisa) Dead after his husband .left behind her father and sons (petitioners). The petition is not contested.

Ordinarily, the estate of a Muslim deceased should be strictly spent in the following sequence: burial expenses should not be extravagant, paying his debts upon proofing and be distributed among the heirs in accordance with Islamic Sharia. In this matter, we were not told of any other right attached to the estate .Under Islamic law, the widow is entitled to one eighth (1/8) share if the deceased left a child. Under QUR’AN 4/12: *(But if you have a child, then they shall have an eighth of that which you leave.)*

Each son is entitled to twice the share of the daughter after deduction of the widow’s share. Under Qur’an 4: 11-12(*Allah enjoins you concerning your children: for the male is the equal of the portion of two females*).

under Islamic law, the parents are entitled to a sixth each one Under QUR’AN 4/12: *(For parents, a sixth share of inheritance to each if the deceased left children)*

The legal heirs and mode of distribution of the estate of JUMA BADADI ABAROBA are:

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>SHARE FRACTION</u>
1- RUKIA BOYA DANISA	widow deceased	1/8 12.5%
2- ABDI JUMA BADADI	son. Id [...]	7/24 29.17%
3- SULEIMAN JUMA KALME	son. Id [...]	7/24 29.17%
4- ADAM JUMA ASHA KO	son Id [...]	7/24 29.17%

The share of the widow petitioner’s mother (Rukia Boya Danisa) will be distributed among her father and children namely :

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>SHARE FRACTION</u>
1- Boya Danisa	Widow’s father	1/6 16.67%
2- ABDI JUMA BADADI	son.	5/18 27.78%
3- SULEIMAN JUMA KALME	son.	5/18 27.78%
4- ADAM JUMA ASHA KO	son	5/18 27.78%

The public trustee to issue the deceased’s estate to the beneficiaries' Orders accordingly.

Delivered in court is day of 28th November 2018 in the presence of:

Court assistant Ogeto Mboga

Petitioner