



**REPUBLIC OF KENYA**

**IN THE KADHI'S COURT AT GARSEN**

**SUCCESSION CASE NO. 45 OF 2017**

**IN THE MATTER OF ESTATE GAYOLE ABDALLAH HIRIBAE'S ESTATE (DECEASED)**

**PETITIONER.....SALIMA HAJIBO MWARABU**

**RULING**

In this succession matter dated 29<sup>th</sup> AUGUST, 2017 the petitioner prayed for the determination of heirs of the deceased. The estate of the deceased is under the administration of the Public trustee. The petitioner claimed that, the late Gayole Abdala Hiribae left behind a widow , two children and mother. 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 to 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.)

The mother is entitled to one sixth (1/6) share if the deceased left a child. Under QUR'AN 4/12: (For parents, a sixth share of the inheritance to each,)

Each son is entitled to twice the share of the daughter under Qur'an: 11-12 (Allah enjoins you concerning your children: for the male is the equal of the portion of two females).

The legal heirs and mode of distribution of the estate of Gayole Abdallah Hiribae are:

Legal heirs	relative	share
1- FATUMA SAID	(Deceased's mother)	sixth (11,794.48)
2- SALIMA HAJIBO MWARABU	(Widow)	an eighth (8,845.86)
3- FATUMA DARA GAYOYE	(Daughter)	(16,708.84)
4- SAID HIRIBAE GAYOYE	(Son)	twice of daughter (33,417.68)

The public trustee to issue the deceased's estate to the petitioners'

Orders accordingly.

R/ A thirty days.

**Read and delivered this 29th day of AUGUST 2017 in the presence**

**MURSAL M SIZI KADHI II- GARSEN**

**C/A – GURACHO ABDI YUSSUF**

Petitioner