



**REPUBLIC OF KENYA**

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

**SUCCESSION CASE NO. 52 OF 2017**

**IN THE MATTER OF ESTATE OF YUSUF RASHID BOSHESTATE (DECEASED)**

**AHMED RASHID BOSH.....1<sup>st</sup> PETITIONER**

**AMINA SIRAT SANTUR.....2<sup>nd</sup> PETITIONER**

**RULING**

In this succession matter dated 11<sup>th</sup> SEPTEMBER, 2017 the petitioners 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 Yusuf Rashid Bosh left behind a widow and three children. 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: 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 Yusuf Rashid Bocha are:

Legal heirs	relative	share
1- Amina Sirat Santur	(Widow)	an eighth (1/8)
2- Hassan Yusuf Bosh	(Son)	twice of daughter
3- Suleiman Yusuf Bosh	(Son)	twice of daughter
4- Khadija Yusuf Bosh	(Doughter)	half share of son

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

Orders accordingly.

R/ A thirty days.

**Read and delivered this 11th day of september 2017 in the presence**

MURSAL M SIZI KADHI II- GARSEN

C/A – GURACHO ABDI YUSSUF

Petitioner