



**In re Estate of Ahmed Ladha (Decease) (Succession Cause
52 of 2015) [2016] KEKC 26 (KLR) (28 January 2016) (Ruling)**

Firoz Sidik & 2 others v Hasham Ahmed & another [2016] eKLR

Neutral citation: [2016] KEKC 26 (KLR)

**REPUBLIC OF KENYA
IN THE KADHIS COURT AT MOMBASA
SUCCESSION CAUSE 52 OF 2015
AH ATHMAN, PK
JANUARY 28, 2016**

BETWEEN

**FIROZ SIDIK 1ST PETITIONER
ZAFAR FAKIR MOHAMED 2ND PETITIONER
ALTAAF ABDULKARIM 3RD PETITIONER**

AND

**HASHAM AHMED 1ST RESPONDENT
MOHAMED HUSSEIN AHMED 2ND RESPONDENT**

RULING

1. The judgment in this matter had errors apparent on the face of the record. By consent of counsels of parties Mr Simiyu for petitioners and Mr Mwadzogo for respondents, the amendments regarding the Roshan being a granddaughter, Yusuf Ayub and Najma Fakirmohamed being deceased without children have been adopted. Although Mukhtar and Ferzana Abdulkarim were not listed as children of Abdulkarim Ahmed in the initial list, they had been considered in the calculations and appeared in the final list of heirs. The same has however been clarified.
2. The final list of heirs and their respective shares are:
 1. Hasham Ahmed Ladha son Respondent 13.33%
 2. Mohamedhusein Ahmed Ladha son Respondent 13.33%
 3. Mohamed Iqbal Sidik grandson 1.64%
 4. Mohamed Nazir Sidik grandson 1.64%



5. Mohamed Hanif Sidk grandson 1.64%
6. Firoz Sidik grandson 1st petitioner 1.64%
7. Roshan Sidik granddaughter 0.82%
8. Kulsum Sidik granddaughter 0.82%
9. Mariam Sidik granddaughter 0.82%
10. Hamida Sidik granddaughter 0.82%
11. Gulshan Sidik granddaughter 0.82%
12. Firdaus Sidik granddaughter 0.82%
13. Rashida Sidik granddaughter 0.82%
14. Shabina Sidik granddaughter 0.82%
15. Noorbanu Ayub daughter in law 1.665%
16. Mohamed Rafik Ayub grandson 2.591%
17. Amir Ayub grandson 2.591%
18. Mohamed Ashraf Ayub grandson 2.591%
19. Sakina Ayub granddaughter 1.295%
20. Zubeda Ayub granddaughter 1.295%
21. Mumtaz Ayub granddaughter 1.295%
22. Mohamed Bashir Esmail grandson 1.210%
23. Mohamed Salim Esmail grandson 1.210%
24. Mohamed Ashik Esmail grandson 1.210%
25. Hamid Esmail grandson 1.210%
26. Noorfatma Esmail granddaughter 0.605%
27. Azmina Esmail granddaughter 0.605%
28. Shemima Esmail granddaughter 0.605%
29. Memuna Esmail granddaughter 0.605%
30. Aslam Abdulla Ahmed grandson 6.665%
31. Arfan Abdulla grandson 6.665%
32. Zulfikar Fakirmohamed Ahmed grandson 4.443%
33. Zafar Fakirmohamed Ahmed grandson 2nd petitioner 4.443%
34. Ahmed Fakirmohamed Ahmed grandson 4.443%
35. Khairunisa Abdulkarim Ahmed daughter in law 1.666%
36. Altaaf Abdulkarim Ahmed grandson,3rd petitioner 3.332%
37. Mustaak Abdulkarim Ahmed grandson 3.332%
38. Mukhtaar Abdulkarim Ahmed grandson 3.332%



39. Ferzana Abdulkarim Ahmed granddaughter 1.666%

valuation of the estate properties has been done by value consult. The valuer was appointed by consent of parties. The valuation is as follows:

S/No.Property Value [Kshs]

1 MSA /BlockXXXIII/14 17,000,000.00

2 MSA/BlockXXXIII/21 30,000,000.00

3 MSA/ BlockXXXIII/22 40,000,000.00

4 MSA/ Block XXXIII/24 90,000,000.00

5 MSA/Block XXX/12 33,000,000.00

6 MSA/ Block XIX/193 40,000,000.00

Total 250,000,000.00

3. The funds of the three bank accounts have not been declared for purpose of distribution.
4. The property MSA/ Block XIX/193 is registered in the names of Ahmed Ladha, Sidik Ahmed, Ayub Ahmed, Abdulla Ahmed, Fakir Mohamd Ahmed, Hashim Ahmed Mohamed, Mohamed Hussein Ahmed and Abdulkarim Ahmed. Apparently he registered it in his name and that of all his children except the one daughter. Sherbanu not having been registered in this property and not given a corresponding share in any other property, unless the children participated in its purchase, this property should be part of the estate. This is more so as the parties specifically pleaded it was part of the estate which binds parties.
5. All except two of the surviving beneficiaries are second generation heirs. The shares of the eight primary heirs was each son 13.33% and the daughter's share 6.66%. The shares of the deceased primary heirs devolves to their respective heirs as indicated hereinabove.
6. Parties to consult and give proposals on final distribution of the estate.

DATED AND DELIVERED AT MOMBASA ON 28TH JANUARY 2016.

ABDULHALIM H. ATHMAN

PRINCIPAL KADHI

In the presence of

Mr. Yusuf K. Abdulrahman, Court assistant

Mr. Simiyu for petitioners

Mr. Mwadzogo for respondents

