



REPUBLIC OF KENYA

IN THE KADHI'S COURT AT MALINDI

SUCCESSION CASE NO 39 OF 2016

IN THE MATTER OF THE ESTATE OF MOHAMED SALIM ALAMUDI (DECEASED)

AHMED MOHAMED SALIM AND 10 OTHERS.....PETITIONERS

JUDGEMENT

This is a judgment of a succession matter filed by the petitioners on the 28th of October 2016, seeking distribution of the estate of MR. MOHAMMAD SALIM AHMAD ALAMUDI (DECEASED).

The petitioners are 11 in numbers: -

- a) AHMED MOHAMED SALIM..... Son
- b) ABDULREHMAN MOHAMED SALIM...Son
- c) ALI MOHAMED SALIM.....Son
- d) ABDALLA MOHAMED SALIMSon
- e) OMAR MOHAMED SALIM...Son
- f) MARYAM MOHAMED SALIM.... Daughter
- g) AISHA MOHAMED SALIM.....Daughter
- h) SOFIA MOHAMED SALIM..... Daughter
- i) MAIMUNA MOHAMED SALIM.... Daughter
- j) ASIA MOHAMED SALIM.....Daughter.
- k) KHADIJA MOHAMED SALIM.....Daughter

This court would like to confirm that these are the only heirs of the deceased. Upon his death, the deceased left the following properties as his estate which is composed of movable and immovable properties: -

- a) KILIFI JIMBA PLOT NO. 257 ACREAGE 6.6 Ha
- b) GEDE MIJOMBONI PLOT NO 999 ACREAGE 2.2 Ha
- c) NGOMENI PLOT NO 2032 ACREAGE 1.6 Ha
- d) CHEMBE KIBABAMCHE PLOT NO. 149 ACREAGE 5.0 Ha
- e) CHEMBE KIBABAMCHE PLOT NO. 237 ACREAGE Ha
- f) CHEMBE KIBABAMCHE PLOT NO. 484 ACREAGE 2.4 Ha

- g) CHEMBE KIBABAMCHE PLOT NO. 306 ACREAGE 3.4 Ha
- h) CHEMBE KIBABAMCHE PLOT NO. 241 ACREAGE 7.4 Ha
- i) CHEMBE KIBABAMCHE PLOT NO. 106 ACREAGE 5.2 Ha
- j) TAKAYE MSOLONI PLOT NO. 676 ACREAGE 1.2 Ha
- k) TAKAYE MSOLONI PLOT NO. 544 ACREAGE 3.3 Ha
- l) TAKAYE MSOLONI PLOT NO. 546 ACREAGE 1.9 Ha
- m) MALINDI SHELLA PLOT NO. 1104
- n) PLOT NO. YARD OPPOSITE MALINDI SLAUGHTER HOUSE
- o) PLOT NO. 505 HOUSE OF 2 SHOPS WITH 2 STOREY BUILDING OF 2 BEDROOM, SITTING ROOM, TOILET AND DINING ROOM
- p) HOUSE OPPOSITE FORMER TANA HOTEL: 3 SHOP UNDER 1 STOREY BUILDING
- q) HOUSE AT KISUMUNDIGO IN MAISHA MAPYA OF 3 STOREY BUILDING
- r) HOUSE OPPOSITE NUJOOM HARDWARE OF 2 BEDROOM SITTING ROOM KITCHEN AND TOILET
- s) GO DOWN OPPOSITE PADDY INSURANCE NEAR SHEIKH NASSOR MOSQUE
- t) HOUSE ALONG KENYATTA AVENUE, 2 SHOPS UNIT ONE UNIT OF 3 BEDROOM SITTING ROOM KITCHEN AND TOILET AND 4 UNITS OF 2 BEDROOM SITTING ROOM, KITCHEN AND TOILET
- u) 3 PLOTS AT MAISHA MAPYA
- v) SHARES AT KENGEN
- w) SHARES AT SAFARICOM

This matter is not contested and the deceased proposed Mr. Ahmed Mohammed Salim to be the Administrator of the estate and all his brothers and sisters have agreed, so this court have appointed him to be administrator of his late father's estate.

The distribution of the estate will be as follows:

- Each daughter will get 6.25% of the whole estate while each son will get 12.5% of the whole estate. Which will include both the movable and the immovable properties of the deceased.

Below are the names of the legal heirs and their rightful shares according sharia. Going by the essence of Surah An' Nisaa, verse 10 and 11 in the Holy Qur'an **"indeed, those who devour the property of orphans unjustly, are only consuming into their bellis fire. And they will be burned in a blaze(i.e Hellfire). Allah instructs you concerning your children(i.e their portions of inheritance); for the male what is equal to the share of two females. But if there are (only) daughters, two or more for them is two thirds of one's estate and if there is only one, for her is half. And for one's parent to each one of them is a sixth of his estate. If he left children. But if he had no children, and the parents (alone) inherits from him, then for his mother is one third. And if he had brothers (and/or sisters), for his mother is a sixth. After any bequest he (may have) made or debt. Your parents or your children- you know not which of them are nearest to you in benefits (These shares are) an obligation (imposed) by Allah. Indeed, Allah is ever knowing and wise.**

NAMES OF HEIRS AND THEIR ALLOTTED SHARES:

- a) AHMED MOHAMED SALIM..... Son - 12.50%
- b) ABDULREHMAN MOHAMED SALIM...Son - 12.50%
- c) ALI MOHAMED SALIM.....Son - 12.50%
- d) ABDALLA MOHAMED SALIMSon - 12.50%
- e) OMAR MOHAMED SALIM...Son - 12.50%

- f) MARYAM MOHAMED SALIM.... Daughter - 6.25%
- g) AISHA MOHAMED SALIM.....Daughter - 6.25%
- h) SOFIA MOHAMED SALIM..... Daughter - 6.25%
- i) MAIMUNA MOHAMED SALIM.... Daughter - 6.25%
- j) ASIA MOHAMED SALIM.....Daughter. - 6.25%
- k) KHADIJA MOHAMED SALIM....Daughter - 6.25%

Read before the petitioners and the Court Assistant Mr. Abdulhakim Abdalla at Malindi this 8th Day of November 2016

Hon Sheikh Salim S Mohamed

Principal Kadhi

KADHIS COURT

MALINDI