



REPUBLIC OF KENYA

IN THE KADHIS COURT AT KISUMU

SUCCESSION CAUSE NO 4 OF 2015

IN THE MATTER OF THE ESTATE OF JAMES KIWANUKA (DECEASED)

VS

BAKARI YUSUFUAPPLICANT

ASMAN MANJA.....RESPONDENT PETITIONER

RULING

The applicant through his application dated 17th AUGUST 2015 prayed for review of the judgment delivered on 2nd day of JULY 2015 . His Further grounds was on the fact that:

- 1- The objector was never given a chance to participate in the said proceedings from the onset of the case.
- 2- The objector was never informed of the progress of the matter by the Respondent petitioner and only came to realize that the same had been concluded.
- 3- The Respondent petitioner cannot be the administrator of the plot because He is a son to a daughter. The late James Kiwanuka Kawisa was severed by the following beneficiaries :

Mwanajuma Kiwanuka (Daughter) was survived by Asman Manja respondent petitioner Hidaya and others

Seki Sambu (son deceased) had no child.

Yusuf Kiwanuka survived by Lucia Adhiyambo(widow deceased) Suleyman Yusuf and Beka Yusuf(applicant)

The judgment was issued basing on false information given to the court by the R respondent petitioner and same contravenes section of the law.

On the Other hand the Respondent Petitioner had no answer concerning the applicant's statement.

I have noted the Issue clearly and I found that the information given to the court by the petitioner was not truly. It is the duty of this court to Clarify and expound on these issues as follows:

HEIRS AND MODE OF DISTRIBUTION

under Islamic law, Each son is entitled to twice the share of the daughter under Qur'an:AL nisa : 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 James Kiwanuka are:

Mwanajuma Kiwanuka (Daughter) entitle 1/3

Yusuf Kiwanuka (son) entitle 2/3

IT IS HEREBY ORDEED THAT:

1- the applicant pointed as administrator of the estate.

2-It is clear to this court that the Plot NO 99 at Kaloleni Kisumu Town belong to the late James Kiwanuka and the applicant with his Sibling have a right to it as beneficiaries of the said estate.

3- The Applicant to pay for the house within 60 days from today.

4- The share for the responded petitioner and his siblings to be distributed among them by this court.

5- Must take out expenses of the valuation Shs15000 70000 of Savoy and 48780 of municipality.

6- ASMAN MANJA is hereby restrained from collecting rent with effect from NOVEMBER 2015.

These are orders of this court

R/ A -30 days

Read and delivered this..16th day of October, 2015 in the presence of

Mursal.M.Sizi-----kadhi

court Assistant-----Rehema Akidah