



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Amos Sikuta Masinde (Deceased) (Succession Cause E012 of 2025) [2025] KEHC 15899 (KLR) (28 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15899 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
SUCCESSION CAUSE E012 OF 2025  
MS SHARIFF, J  
OCTOBER 28, 2025**

**IN THE MATTER OF  
JACKYLINE NAFULA NYONGESA ..... PETITIONER**

**RULING**

**Background**

1. On 16<sup>th</sup> September 2025, this court issued a grant of letters of administration of the estate of Amos Sikuta Masinde (deceased) to one Jacklyne Nafula Nyongesa.
2. Subsequent thereto the administratrix filed a summons for confirmation of grant dated 24.9.2025 and surprisingly the firm of Mandala & Company Advocates are on record for the administratrix authored an anticipatory letter dated 23.9.2025 addressed to the DR of the High Court, requesting him to cause, the summons for confirmation of grant to be placed before a judge for direction and on 14<sup>th</sup> October 2025 I gave direction on this matter and I scheduled the summons for confirmation of grant dated 24.9.2010 for hearing on 27.10.2025.

**Application:**

3. Mr. Mandala appeared for the administratrix and moved this court to confirm the grant as per proposed mode of distribution, outlined in paragraph 5 of the supporting affidavit sworn by the administratrix, Jacklyne Nafula Nyongesa on 24<sup>th</sup> September, 2025.
4. The deceased is said to have been survived by one widow, the administratrix and two issues namely Ellen Nangila Masinde a daughter and Prince Albert Masinde a son. Both issues attended court; Ellen Nangila Masinde attend physically with her mother while Prince Albert Masinde attended virtually. They all agreed to the proposed mode of distribution of the estate of the deceased.
5. A grant of representation I ordinarily confirmed after the expiry of period of 6 months as per the provisions of Section 71 (1) of the *Law of Succession Act* Chapter 160 Laws of Kenya. The court can however confirm the grant before the expiry of 6 months if it is satisfied that either there are no



dependant as defined under Section 29 of the [Law of Succession Act](#) or where the dependants are of full age and have all consented to the proposed mode of distribution; Section 71 (3) of the [Law of Succession Act](#).

6. A dependant is defined under Section 29 of the Laws of Succession

Act to mean:

- a. The wife or wives, or former wife or wives, and the children of the deceased whether or not maintained by the deceased immediately prior to his death.
- b. such of the deceased's parents, step-parents, grandparents, grandchildren, step-children, children whom the deceased had taken into his family as his own, brothers and sisters, and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death; and
- c. where the deceased was a woman, her husband if he was being maintained by her immediately prior to the date of her death

7. Whereas the administratrix and the two issues of the deceased are agreeable on the mode of distribution, the administratrix has failed to prove ownership of the free assets of the estate of the deceased. Wherefore I am no inclined to distribute the estate.

8. On the balance this application is disallowed with no orders as to costs.

9. The administratrix is directed to file fresh summons for confirmation of grant after the expiry of 5 months from 16<sup>th</sup> September 2025 and ensure that proof of ownership of any assets of the estate of the deceased is provided.

**DELIVERED, SIGNED, AND DATED AT BUNGOMA THIS 28<sup>TH</sup> DAY OF OCTOBER, 2025.**

**MWANAISHA S. SHARIFF**

**JUDGE.**

