

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

SUCCESSION CAUSE NO. E070 OF 2024

IN THE MATTER OF THE ESTATE OF AMOS ACKLAYS - DECEASED

AND

IN THE MATTER OF AN APPLICATION FOR CONFIRMATION OF

GRANT BY PAULINE K. KOKY, JULIAH H. MIGOYE, JENNIFER J.

WASIANGA & ABIGAEL O. ANYANGO

R U L I N G

1. The late Amos Acklays ('the deceased') died intestate on **22/4/1996** at Akala aged 67 years. According to the letter of introduction dated **17/11/2021** by the Chief, Gem Location, the deceased left behind the following as his beneficiaries: -

- a) Roy S. Akala – Son**
- b) Lilian E. Aloo – Daughter (deceased)**
- c) Dinah L. Juma – Daughter (deceased)**
- d) Pauline R. Koky – Daughter**
- e) Abigael O. Onyango – Daughter**
- f) Julia H. Migoye – Daughter**

g) Jenifer J. Wasiang'a – Daughter

h) Samuel S. Okech – Son

i) Steven Oluoch – Son

j) Jeremiah J. Obiero – Son

k) Felix J. Aganjo - Son

2. On **5/3/2012**, Pauline K. Koky, Juliah H. Migoye, Jenifer J. Wasianga and Abigail O. Anyango petitioned for Letters of Administration Intestate. In the Affidavit in support of the Petition sworn on even date, they disclosed the following as the only assets of the deceased: -

a) Kisumu/Manyatta 'B'/249

b) Kisumu/Manyatta 'A'/444

c) LR No. 209/8141 – Nairobi (Old Race Course Kariokor).

3. They estimated the value of the estate to be **Kshs. 10,000,000/=**. The grant was issued to them on **24/10/2012**. On **31/10/2024**, Aburili J allowed by consent a Motion dated **16/8/2024**. She directed that the Summons for Confirmation of grant dated **8/1/2024** be heard.

4. In that summons, the petitioners proposed at paragraph 8, their preferred mode of distribution. Annexed to the Summons was the consent executed by 3 other beneficiaries, Roy S. Akala, Steven Oluoch and Felix J. Oganjo. The other two beneficiaries, Samuel S. Okech and Jeremiah J. Obiero did not consent and they filed an Affidavit of Protest sworn on **6/3/2025**.

5. In its ruling of **9/03/2025**, this Court dismissed the said protests and directed the administrators to file accounts of all the income and expenses of the estate for the period of their administration and further that they do file valuation reports on the deceased's properties.
6. The petitioners complied with the directions of the Court and filed the relevant accounts as well as the valuation of the deceased's properties. The properties were valued as follows;
 - a) *Kisumu/Manyatta 'B'/249 – Kshs. 15,000,000/=*
 - b) *Kisumu/Manyatta 'A'/444 – Kshs. 30,000,000/=*
 - c) *LR No. 209/8141 – Nairobi (Old Race Course Kariokor) – Kshs. 17,200,000/=*
7. When the matter came up for further hearing on the **25/11/2025**, it emerged that one of the protestors, Samuel Oketch, had passed away and thus his share of the deceased's estate was to be inherited by his deceased widow and child. This was not opposed by any of the parties.
8. I have considered the record. It is clear that none of the parties herein opposes the mode of distribution detailed in paragraph 8 of the Summons for Confirmation of grant dated **8/1/2024**.
9. Consequently, the estate of the deceased is hereby distributed as follows: -

PROPERTY	BENEFICIARY	SHARES
Kisumu/Manyatta "A"/249 (0.15ha)	Juliah H. Migoye Jennifer Wasianga Lyne Everlyne Oketch & Israel Oketch Jeremiah J. Obiero Stephen Oluoch	House No. 1 – Jeremiah J. Obiero House No. 2 – Stephen Oluoch House No. 3 – Lyne Everlyne Oketch & Israel Oketch House No. 4 – Julia Migoye Undeveloped Plot – Jennifer Wasianga
Kisumu/Manyatta "A"/444 (0.24Ha)	Felix Aganjo Pauline Koky Abigael Anyango Jennifer Wasianga	Shop 1 – Felix Aganjo Shop 2 – Abigael Anyango Shop 3 – Pauline Koky Shop 4 – Jennifer Wasianga
L.R. No. 209/8141 – Nairobi (Old Racecourse Kariokor)	Roy S. Akala Pauline Koky Abigael Anyango Juliah H. Migoye Lyne Everlyne Oketch & Israel Oketch Stephen Oluoch Felix Aganjo Jeremiah Obiero	The property be sold and proceeds be shared equally among all the beneficiaries.
Shares in Racecourse	Lyne Everlyne Oketch &	Whole.

Kariokor Women Group	Israel Oketch	
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10. For the avoidance of doubt, the shares of the deceased **Samuel Oketch** are distributed to his widow and child **Lyne Everlyne Oketch** and **Israel Oketch**. The two constitute one whole undivided unit for the purposes of distribution.

It is hereby so decreed.

DATED and **DELIVERED** at Kisumu this **19th** day of **February, 2026**.

A. MABEYA, FCI Arb

JUDGE