



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NUMBER 128 OF 1993

**IN THE MATTER OF THE ESTATE OF KEVIN KULOVA
KOKONYA (DECEASED)**

CYNTHIA MUKOYA ----- 1ST
ADMINISTRATOR

VICTORIA MUVOKA KOKONYA ----- 2ND
ADMINISTRATOR

ALEXSANDRA NABUCHA KOKONYA ----- 3RD
ADMINISTRATOR

SAAD SALIM KULOVA ----- 4TH
ADMINISTRATOR

JUDGEMENT

1. The 4th Administrator named Saad Salim Kulova (herein referred to as ("Saad")) filed an Application dated 8th December 2023 seeking confirmation of Grant of Letters of

Administration dated 12th July 2017 issued to him and others. Saad swore an affidavit in support of the Application.

2. The 1st and 3rd Administratixes (“Cynthia” and “Alexsandra” respectively) oppose the Application *vide* an affidavit in reply sworn by Alexsandra. They contend that properties Saad listed for distribution to Beneficiaries do not belong to the deceased’s Estate. The Protestors thereafter filed a formal protest through another affidavit voicing the same opposition.
3. On 7th July 2025 the court directed the protest to be disposed of by *viva voce* evidence. The 2nd Administratix called Victoria Mokora Kokonya (“Victoria”) testified on behalf of the Protestors. Relying on her witness statement dated 6/8/2025, she expresses objection to transmission of properties in respect of whose ownership by the deceased have not been proven. Saad is challenged to demonstrate the deceased’s ownership of property comprising the schedule attached to his Application for confirmation of the Grant. Victoria complains that Saad has included in the

schedule property belonging to the Estate of her deceased mother yet these proceedings relate to the Estate of their late father. She in particular disputes inclusion of her late mother's matrimonial home in the schedule of the deceased's property. Victoria, however, stated that she did not know the registration status of the property.

4. Victoria further mentions the deceased's property measuring 6 acres and situated in Bungoma County. She wants Saad to produce title to this property. She also expresses ignorance of a plot described in the Schedule of Property as "ACD". Victoria, however, makes it clear that she does not claim the deceased's property situated in Nairobi. As regards a property described as "G" the witness concedes that she and her siblings from her mother's side of the family had sold it off.
5. Saad is said to have failed to turn up at a family meeting convened to discuss the contentious issues. The court is also told that he has not provided the required proof of ownership of the properties in question.
6. Saad adopted his affidavit in support of his Application

dated 8.12.2023 for Confirmation of the Grant, as his evidence. He maintains that administration of the deceased's Estate is going on well and defends his proposal on distribution of the Estate as proposed at paragraph 8 of his affidavit.

7. While conceding that he did not attend a family meeting to discuss the deceased's Estate, Saad explains that he pulled out because their purported half-brother was being offered a part of the Estate. He also concedes that he has not provided documents of title to the properties Victoria alluded to. Saad tells the court that he did obtain records of ownership of the properties which were in possession of his Advocates. Some of the records were also stated to be in possession of his step-mother.
8. The parties filed written submissions through their advocates which I have perused against the evidence proffered. It is common ground that Saad who filed the Summons for Confirmation of Grant in issue has not provided evidence showing that some of the properties in the schedule attached to the Summons belonged to the

deceased. Some of the records of ownership are said to be in the custody of Saad's lawyers but it is not explained why they have not been filed. It is the duty of Saad and indeed his co-Administrators/Administratixes to show the deceased ownership of property intended to be distributed to avoid disputes that may even suck in third parties. It is critical for the court to confirm that the Estate is free property without any encumbrances. The court thus concurs with the Protestors' evidence submissions.

9. In the premises, the protest is sustained.
10. The court further wishes to underscore that this is a very old matter that needs to be closed in the interests of all Beneficiaries of the Estate. As the custodian of records of ownership of the properties in question, Saad ought to avail them for confirmation of the Grant. The Administrators/Administratixes are given 60 days to file a proper Application for confirmation of the Grant, failure to which the court may be compelled to revoke the Grant and close this very long pending Cause.

J.M. NANG'EA - JUDGE.

Judgement delivered virtually this 6th day of May, 2026.

In the presence of:

1st, 2nd and 3rd Administrators' Advocate, Mr. Makora.

4th Administrator's Advocate, Ms Sitati.

Court Assistant (Jeniffer).

J.M. NANG'EA - JUDGE.

Original