



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Michael Were Wanjala (Deceased) (Succession Cause
135 of 2009) [2025] KEHC 11662 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11662 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
SUCCESSION CAUSE 135 OF 2009**

WM MUSYOKA, J

JULY 31, 2025

IN THE MATTER OF THE ESTATE OF MICHAEL WERE WANJALA (DECEASED)

RULING

1. The application dated 27th November 2024 is for confirmation of grant. The deceased was survived by 6 individuals, said, in other filings, to be his children, 3 daughters and 3 sons, being Odda Tabu Were, Jackton Wesonga Wanjala, Susan Beruta Wanjala, Pheny Angeline Wanjala, George Wanjala and Wanjala Benard John.
2. He is said to have died possessed of 2 parcels of land Bunyala/Bukoma/646 and 1809. I have seen certificates of official searches for the 2 assets. Both are registered in the name of the deceased and are available for distribution.
3. The administrator, Wanjala Benard John, proposes that Bunyala/Bukoma/646 be devolved upon George Wanjala and Wanjala Benard John; and Bunyala/Bukoma/1809 be shared out in a manner that Susan Benta Wanjala, Pheny Angeline Wanjala and Wanjala Benard John take 0.07 HA and George Wanjala and Jackton Wesonga Wanjala take the other 0.07 HA. That proposed distribution leaves out Odda Tabu Were. I see a consent, in Form 37, dated 27th November 2024, signed by Jackton Wesonga Wanjala, Susan Beruta Wanjala, Pheny Angeline Wanjala and George Wanjala. Odda Tabu Were has not signed the consent.
4. The applicant, who has variously referred to himself as Wanjala Benard John or John Benard Wanjala, swore a further affidavit, on 22nd May 2025, ostensibly to explain about Odda Tabu Were, that she is mentally challenged, that her share is in Bunyala/Bukoma/1809, to be held in trust for her by Wanjala Benard John. There is a document dated, 8th October 2024, from a Clinical Officer, to the effect that Odda Tabu Were had psychotic episodes.
5. 5 of the beneficiaries attended court on 7th April 2025, save for Odda Tabu Were. They all supported the application and the proposed distribution.
6. As there is concurrence on the distribution, and as the interest of Odda Tabu Were, who is mentally challenged, is taken care of, I will allow the application, dated 27th November 2024. The grant herein is



confirmed. The estate shall devolve as per the proposals made in the affidavit of John Benard Wanjala, of 22nd May 2025. A certificate of confirmation of grant, shall issue, accordingly. The matter shall be mentioned on 16th December 2025, to confirm completion of distribution or transmission of the estate as per those orders.

DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, ON THIS 31ST DAY OF JULY 2025.

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Erick Jumba, instructed by Balongo & Company, Advocates for the administrator.

