



**In re Estate of James Dennis Akumu (Deceased) (Succession Cause  
1036 of 2017) [2025] KEHC 12502 (KLR) (3 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 12502 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
SUCCESSION CAUSE 1036 OF 2017**

**SN RIECHI, J**

**SEPTEMBER 3, 2025**

**IN THE MATTER OF THE ESTATE OF JAMES DENNIS AKUMU (DECEASED)**

**IN THE MATTER OF**

**RUTH ELEANOR WRIGHT AKUMU ..... 1<sup>ST</sup> ADMINISTRATOR  
GRACE ADHIAMBO AKUMU ..... 2<sup>ND</sup> ADMINISTRATOR**

**JUDGMENT**

1. The deceased James Dennis Akumu, a celebrated Trade unionist died on 18<sup>th</sup> August 2016 at the Agha Khan University Hospital, Nairobi. On 18<sup>th</sup> August, 2017, Ruth Eleanor Wright Akumu who stated she was a widow of the deceased filed a citation citing Grace Adhiambo a 2<sup>nd</sup> widow to deceased within 15 days enter appearance and show cause why letters of administration intestate should not be issued to Ruth Eleanor Wright Akumu.
2. After several applications in court and referral of the matter to Court Annexed Mediation, they entered into a Consent that a grant of letters of administration be issued jointly to the Citor and Citee. A grant of letters of administration intestate was issued by Maureen Odero J to Ruth Eleanor Wright Akumu and Grace Adhiambo Akumu on 28 November 2022.
3. The parties signed and filed a partial mediation settlement agreement dated 18th June 2024 which was adopted as an order of the Court by Namisi J on 27 August 2024.

The agreement was in the following terms:

1. That the estate of the late James Dennis akumu who was our husband comprised of parcel of land known as Kisumu/Kogutu East/2253 measuring approximately 2.0 Hectares (5 Acres).
2. The following are the beneficiaries of the late Akumu's Estate.
  - i. Ruth Eleanor Wright Akumu - first wife



- ii. Grace Adhiambo Akumu - second wife
  - iii. Eleanor Nyakina Akumu - daughter to first wife
  - iv. Lousie Patricia Akumu - daughter to first wife
  - v. Carol Ogwa Akumu - daughter to first wife
  - vi. James Dennis Akumu - Junior -son to second wife
3. That there about 5 acre of land is the ancestral form stroke land of late James Dennis Akuma on which he constructed two houses against adjacent to each other one for each of his two wives Ruth the plaintiff and Grace defendant respectively.
  4. That the two houses together occupy approximately one and a half acres leaving approximately three and a half acres.
4. The main issue which was outstanding was on the distribution of the estate to the beneficiaries.
  5. This Court directed each of the administrators to file their respective preferred mode of distribution signed by the those of the beneficiaries who agree with their proposed mode of distribution. Both administrators complied and filed their respective proposals.
  6. Ruth Eleanor Wright Akumu the first widow filed her affidavit of proposed mode of distribution sworn on 15<sup>th</sup> May 2025. She also testified in court and stated she married the deceased in 1962 and had 3 children.
    1. Eldis Achieng
    2. Nyakinyi Akumu
    3. Carol Ogwa Akumu
  7. The deceased had also married Grace Akumu with whom they had one child. They deceased had one property in Nyabondi measuring 5 acres on which he had built a house for each of the wives. She proposed that the property be divided equally between the two houses. Her proposal is supported by all her 3 children.
  8. Grace Adhiambo Akumu the second widow filed her affidavit of preferred mode of distribution.
  9. Grace testified that she married the deceased in 1976. They had one son James Dennis Akumu born in 1979. She also adopted 2 other daughters who were adopted after the death of the deceased. According to her it is only her son who should be considered to benefit from the estate. Grace testified that the deceased had their ancestral land Kisumu/Kogutu East/ 2253 measuring 5 acres. He had built two houses one for her and another for Ruth. The houses are close to each other - 4 metres apart. She proposes that the two widows should own their land jointly and kept as one as that was the wish of the Deceased.
  10. I have considered the affidavits, evidence and submissions by Counsel for the parties. There is no dispute that the deceased was married to Ruth (first wife) and Grace (second wife), who both have children. It is not in contention that the only property of the deceased available for distribution is Kisumu/Kogutu/2253. It is on this land that deceased had built the houses of the 2 widows. The houses are in the same compound and close to each other only 4 metres apart. Both widows agree that they are entitled to the property. After taking into account the evidence and submissions,

I hereby direct that the Grant be confirmed as follows:



Name	Description of Properties	Share of Heirs
Ruth Eleanor Wright Akumu and Grace Adhiambo Akumu	Kisumu/Kogutu/2253	To be registered in their joint names and to hold in trust for themselves and their children namely:  i. Eleanor Nyakina Akumu  ii. Lousie Patricia Akumu  iii. Carol Ogwa Akumu  iv. James Dennis Akumu Junior

**DATED AT NAIROBI THIS 3<sup>RD</sup> DAY OF SEPTEMBER, 2025**

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**S. N. RIECHI**

**JUDGE**

