



**In re Estate of John Wanga Juma (Deceased) (Succession Cause E2495 of 2021)  
[2024] KEHC 2914 (KLR) (Family) (21 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2914 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE E2495 OF 2021  
HK CHEMITEI, J  
MARCH 21, 2024  
IN THE MATTER OF THE ESTATE OF THE LATE JOHN WANGA JUMA (DECEASED)**

**BETWEEN**

**SYLVIA SHALLYNE OBULINJI ..... APPLICANT**

**AND**

**ROSE AKEYO BARAZA JUMA ..... 1<sup>ST</sup> RESPONDENT**

**IAN OMONDI JUMA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. In her Summons dated 3<sup>rd</sup> March 2023 the Applicant prays for orders that this court do direct Absa Bank Kenya PLC to allow her access the deceased accounts numbers 2027814355 and 2033675286 for purposes of payment of the deceased minors daughter Emma Refa school fees and other tuition fees amounting to kshs 474500 for academic period 2021 ,2022 and 2023 at Ongata academy.
2. She deponed in her supporting affidavit that the deceased used to support the minor and since his demise she has exhausted all her savings and the child runs the risk of being thrown out of school.
3. She went ahead to cite Section 8(2) of the *Children's Act* among others. Consequently, unless the application is allowed she stands to suffer greatly for want of a proper education.
4. The Respondent Rose Akeyo Baraza vide her replying affidavit sworn on 16<sup>th</sup> June 2023 has called out the applicant for lying under oath. She said that the minor was well provided under the University of Nairobi pension scheme where the applicant has collected some amount and that the said account was yet to be depleted.



5. That the application was solely meant to exhaust the deceased resources before the grant is confirmed and it ought to be disallowed.
6. There was no reply by the applicant to the Respondent's affidavit. I therefore take it that based on the facts therein, the deceased had provided for the minor through his employer.
7. In this case and looking at the letter attached to the replying affidavit from University of Nairobi dated 25<sup>th</sup> May 2023, the account was yet to be depleted.
8. In the premises I do not find any merit in the application and the same is hereby dismissed. Costs shall await the outcome of the main cause.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 21ST DAY OF MARCH 2024.**

**H K CHEMITEI**

**JUDGE**

