



**In re Estate of Alfred Namukana Nasong'o (Deceased) (Succession Cause
133 of 2013) [2024] KEHC 3348 (KLR) (19 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3348 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE 133 OF 2013**

DK KEMEL, J

MARCH 19, 2024

IN THE MATTER OF

ALFRED NASONGO NAMUKANA PETITIONER

AND

GEORGE LUSWETI NAMUKANA OBJECTOR

RULING

1. I have considered the sentiments of the parties herein regarding the proposed names of representatives of the three houses of the deceased who are to be appointed as administrators indeed pursuant to the Judgement dated December 19, 2023, each house was to present one name as demonstrator already the 1st and 3rd houses have availed their representatives leaving out the 2nd house. Apparently, there seems to be a disagreement within the second house. The opposition stems from the fear that George Lusweti Namukana who had been an objector and who hails from the second house is likely to polarize matters and rock the boat from within. It is evident that the said representative from the second house has been fronted by a majority of the beneficiaries from that house including the widow. Even though there were claims that those who purported to have supported him were not present in a family meeting and that the signatures on the consent selecting the proposed administrator. This allegation was disabused when the family members from the said 2nd house turned up in court and okayed the selection of George Lusweti Namukana. The family members from the 2nd house appear to oppose the proposal that the deceased petitioner's wife Catherine Namisi Namukana be appointed to take the place of her deceased husband. Looking at the rival sentiments, it is clear that the 2nd house has made it's decision and choice of proposed administrator. A majority of the members of that house have proposed George Lusweti Namukana to be one of the Administrators.
2. Even if the said nominee had been an objector herein I do not see any prejudice suffered by the parties herein since all the administrators have an obligation to work in union in the administration of the estate. The fact that the objector had been an objector, that in itself is no bar to his being nominated



from his house as an administrator as long as the said house has no problem with him. There is need to fast track this matter as further delay will prejudice the estate which is currently without administrators.

3. Consequently, and in line with the Orders of this court dated December 19, 2023 the three names proposed by the three houses of the deceased are hereby accepted and that a fresh grant is hereby issued in the names of Patrick Nasongo Namukana, George Lusweti Namukana And Benson Simiyu Namukana who are hereby directed to file summons for confirmation of grant within thirty (30) days.

Mention on April 22, 2024 to confirm compliance and for further orders.

RULING DATED AND DELIVERED AT BUNGOMA OPEN COURT ON 19TH DAY OF MARCH, 2024.

D K KEMEI

JUDGE

19. 3.2024

In the presence of :-

Natwati For Objector

No Appearance Kundu For Petitioners

Kizito Court Assistant

