



**In re Estate of Jonathan Musyoki Mutisya (Deceased) (Probate & Administration
458 of 2011) [2024] KEHC 4564 (KLR) (26 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 4564 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
PROBATE & ADMINISTRATION 458 OF 2011**

MW MUIGAI, J

APRIL 26, 2024

IN THE MATTER OF THE ESTATE OF JONATHAN MUSYOKI MUTISYA (DECEASED)

BETWEEN

JOYCE MWIKALI MUSYOKI ADMINISTRATOR

AND

ANN NJERI MUSYOKI 1ST PROTESTOR

SUSAN MUSYOKI 2ND PROTESTOR

JUDGMENT

Background

1. This Court considered Summons for revocation application filed on 12/9/2013, referred to Chamber Summons of 25/9/2019, Replying & Further affidavits filed and Summons for Confirmation of grant dated on 17/11/2020 filed on 1/2/2020 and Amended Summons filed on 29/4/2021 and the Affidavit of Protest by Protestor and culminated to the Ruling of 21/7/2022.
2. The Ruling of 21st July 2022, this Court in part observed;

Therefore, in the instant case for this Court to exercise judicial discretion there must be tangible and cogent evidence by parties as required by Section 107-112 of the *Evidence Act*, i.e he who alleges must prove in the following matters/issues;

- a) The Land Parcels apart from the numbers, evidence of the acreage, location, date and form of registration/acquisition, developments, occupancy, use are not disclosed so as to aid the Court in arriving at an informed decision on distribution of the deceased's estate in the following properties that comprise of the deceased's estate - Matungulu/Sengani 3368, 1516, 3023, 2804,3379, 1522, 3370, 2711, 2715 & 3378.



- b) The Bank and Accounts of respective Bank Accounts proceeds; if funds available or not;
- c) Disclosure and proof of proprietary interest (purchase) of property or asset(s) contribution to matrimonial property.
- d) Proof of Gifts *inter vivos* by the deceased to the beneficiaries and dependents.
- e) Properties/assets disposed of or in arrears of statutory payments
- f) What forms part of assets that comprise of deceased's estate and what is excluded either as joint property, own property etc. through evidence.

Summons For Revocation Of Grant

3. Summons for revocation of grant dated 12th September, 2013 filed on 17th September, 2013 by Joyce Mwikali and 8 others and they sought the following orders:-
 - (a) That the grant confirmed on 13th July, 2012 be revoked on account of concealment of the Applicants' interest in the estate of the deceased.
 - (b) That the costs of this application be awarded to the Applicants.
4. The Application was based on the following grounds:
 - (a) That the Applicants are children of the deceased of the 1st wife who is also deceased.
 - (b) That the Petitioner concealed this material fact when obtaining the grant.
 - (c) That the grant was obtained by means of deliberate and untrue allegations.
 - (d) That the Petitioner failed to include the Applicants who are the dependants of the estate when obtaining grant.
4. The Chief's letter dated 6th December, 2011 from Kalandini location stated that the deceased hailed from Matakutha sub-location, Kalandini Location in Matungulu District; that he was survived by two wives – Agnes Mwelu Musyoki 1st wife (deceased) and Ann Njeri – 2nd Wife and their children.
5. This Court on its Ruling of 20th December, 2019 allowed the Application dated 12th September, 2013 and revoked the confirmed grant dated 13/07/2012. The Court further granted the family of the deceased 30 days to nominate Administrators who should not exceed four and in default this Court was to proceed to appoint the Administrators.

CHAMBER SUMMONS DATED 25/09/2019

6. The Applicants filed the application dated 25/09/2019 and sought the following orders:-
 - (a) That this Court order that all properties contained in certificate of confirmation of grant dated 30th July, 2012 and revoked on 20/08/2018 do revert to the name of the deceased and any certificates of title issued pursuant to the said grant and in the name of the Petitioner/ Respondent be revoked.
 - (b) That a restriction order be issued prohibiting sale or transfer of properties contained in the impugned certificate of confirmation of grant dated 30th July, 2012 until further representation of the estate of Jonathan Musyoki Mutisya is made.



- (c) That this Court appoint Susan Musyoki and Joyce Mwikali Musyoki as administrators of the estate of the late Jonathan Musyoki Mutisya to represent the 1st household and Ann Njeri Musyoki to represent the 2nd House as per the ruling dated 20th December, 2018.
7. On 6/03/2019 this Court issued a restriction order prohibiting sale or transfer of properties contained in the impugned certificate of confirmation of grant dated 30th July, 2012 until further representation of the estate of Jonathan Musyoki Mutisya is made until further orders are made.
8. On 2nd April, 2019 a fresh grant was issued to Joyce Mwikali Musyoki and Ann Njeri Musyoki.

Summons For Confirmation Of Grant

9. Summons for confirmation of grant dated 17th November, 2020 filed on 1/12/2020 together with a list of the beneficiaries and the assets of the deceased herein as well as the proposed mode of distribution. The Amended Summons dated 26th April, 2021 was filed on 29th April, 2021.

Affidavit In Protest

10. Ann Njeri Musyoki (1st Protestor herein) swore an Affidavit in protest dated on 14th June, 2021 and deposed as follows;
- (a) That she was the 2nd wife to the deceased and the children of the 2nd house/family who are three (3) are well captured in her affidavit in support of the summons of confirmation of grant.
- (b) That she has entered this protest on behalf of her three children
- (c) That the Applicant should attach proof of existence of all the properties claimed to belong to the estate for the deceased to ascertain their existence and reach a just and equitable distribution of the estate of the deceased.
- (d) That the Petitioner/Respondent is opposed to the mode of distribution for the Applicant failed to take into account that the deceased and the petitioner purchased some of the aforementioned parcels of land without involving the 1st house.
- (e) The petitioner/respondent attached her proposed mode of distribution.

2nd Protestor's Affidavit Of Protest To Amended Summons For Confirmation Of Grant And Reply To 1st Protestor's Affidavit Of Protest:

11. Susan Musyoka filed an Affidavit in Protest dated 24th June, 2021 deposing that she is the eldest child of the deceased herein.
12. That she is opposed to the amended summons together with the 1st protestor's proposed mode of distribution as it is not equitable and it discriminates against the 1st household.
13. That the properties should not be divided between the 2 families equally as the 1st house has 5 surviving heirs while the 2nd house has 4 surviving heirs.
14. That some properties are bigger in terms of acreage than the others and therefore cherry picking by the administrators will not ensure proper distribution.
15. That Matungulu/Sengani/3379 was the 2nd Protestor mother's matrimonial home and the 1st protestor has no basis of demanding the same.



16. That Plot Ngei Phase 2 Plot No. 259 was owned jointly by the 2nd protestors Mother and the deceased herein.
17. That Matungulu/Sengani/3370 is a burial ground and the 1st protestor has no basis of laying claim over the same.
18. That this court should order issue for bank statements to be availed and the 1st protestor be compelled to avail the same.
19. That property Number Matungulu/Sengani/2711 forms part of the estate, the same was fraudulently transferred by the 1st protestor to her names after the demise of the deceased. The same should revert to the estate for distribution.

Response To The 2nd Protestors Affidavit In Protest

20. The Petitioner filed a response on 12th July, 2021 to 2nd Protestors affidavit in protest sworn and filed on 14/06/2021 and stated as follows:-
 - (a) That the 2nd administrator and the 2nd protestor to provide proof of the other properties in the amended summons for confirmation of grant of which there is no proof of their size and existence.
 - (b) That Parcel No. Matungulu Sengani/3370 which is the family burial ground to be registered in the name of the petitioner as it is adjacent to and forms part of the petitioner matrimonial home compound where she resides with her family.
 - (c) That the land titles Nos. Matungulu Sengani/2804, 3379, 3370 & 3368 were registered in the name of the deceased during the subsistence of their marriage together with the petitioner and were purchased long after the death of the 2nd protestor's mother.
21. Joyce Mwikali Musyoki the 2nd Administrator's response to the 1st and 2nd Protestors affidavit in protest filed on 27th September, 2021 deposed as follows;-
 - (a) That all the ownership documents in the impugned confirmed grant are in the possession of the 1st Administrator Ann Njeri Musyoki.
 - (b) That the deceased herein was the registered owner of Kwa Matangi FCS Limited Share Number 2596. The 1st Administrator used the impugned grant to effect the changes.
 - (c) That the deceased was a member of Tala Housing Member No.543606.
 - (d) That the deceased and 2nd Administrator's mother were joint owners of property known as Plot No. 259 Ngei Phase II.
 - (e) That all the properties except Plot No. 259 Ngei Phase II and the matrimonial property of the 2nd administrator's mother should be shared pro-rata basis taking into account that the 2nd household represented by the 2nd Administrators has more children.

Hearing

22. PW1 Ann Njeri Musyoki testified that she was married to the deceased in the year 2000 that the 1st wife had since died and her children were living in Nairobi. They established their matrimonial home at Matungulu/Sengani/3379 where they lived upto then for more than 20 years. That she had annexed the photographs in the affidavit of protest and that she was the one who should have the plot and live



- there with her children. PW1 also produced Exhibit 1- 12 documents depicting ownership of the suit property and/or properties in the deceased's names.
23. That the 1st house family lived in Nairobi but she did not know where and have never lived at the property. She was asking the court to award her the property she lives in that she bought when they were married. She also stated that she did not know the 1st wife.
 24. On cross examination, she stated that before she was married she lived in Tala and worked as a barmaid and that before 2000 she had not bought any property but operated a business and gave the deceased money. That her late husband was an engineer with Kenya Railways and was financially able. She stated that property 2715 is the property she brought from Elijah Nthiwa and it was not true that her husband bought it for her.
 25. PW1 stated that the deceased left money in the bank which she withdrew and used in filing Succession Cause and it was before the grant was nullified/revoked, properties reverted to deceased's name and 2 administrators appointed 1 for each household of the deceased's family.
 26. She further stated she was conducting the business of selling chips- and that when she filed the Succession Cause the 1st family was included by the court. She was the only widow and did not know of any other family. She did not know Caroline Musyoki before. That the other properties were processed in her name when the grant was issued. The deceased left money in the bank Kshs 1 million and she obtained the money before the grant was nullified.
 27. She stated that she was brought to the property where she lived and the deceased told her that his children were grown-ups and were not want the property. She stated she found house already built and there was a borehole where they sold water and made money.
 28. There was a burial ground on Matungulu/Sengani/3370 where the deceased and 1st wife were buried. She stated that in all documents of titles she was the registered owner following the confirmed grant that was revoked. PW1 produced Agreement for Sale -Exhibit 7 that she bought the Land Plot 36B Saika Makoge.
 29. PW2 was Joyce Ndumi who stated that the deceased was her stepbrother and that the deceased died in 2010 . The 2nd wife PW1 was married in 2000. She wished to adopt her witness statement. That she did not know where the children of the deceased lived in Nairobi.
 30. On cross examination, he stated that the deceased was her older brother as their father had 2 wives. That Jonathan's 1st wife had 6 children. The succession case was lodged in 2012 and she did not know that the deceased had another family.
 31. PW3 Daniel Mutinda stated that he was a farmer. She stated that PW1 was the 2nd wife of the deceased married in 2000 and Agnes Mwilu deceased was the deceased 1st wife. He adopted his witness statement of 27/10/22 as his evidence. He stated that he was the step brother of the deceased and he did not know where the deceased children lived and that they were not allocated any property by the deceased but were given property before.
 32. On cross examination he stated that he was the one who can confirm that PW1 bought land. He sold her land from his mother and Elijah Nthiwa sold land to the deceased and that the properties were in the name of PW1. He stated that he lived near PW1.
 33. 2nd Protester, DW1 Susan Musyoki testified that she filed the 2nd protest and list of documents. She confirmed that the deceased had two wives and outlined the properties.



34. On cross examination she confirmed knowing PW1 as a wife to the deceased and that they had children. That they got married in 2001 and her father died in 2010, they used to live in Matungulu / Sengani/3379. That upon his death he left PW1 and her children staying on that property. She stated that the parcel No 3370 is where burial site for the family was 3379 and 3370 were split but in the same compound. She confirmed that the sale agreement for plot 2715 shows Ann was the purchaser and transferred to her in 2001 thus not part of the estate. 3378 showed it was transferred to PW1 before the succession.
35. 2nd Protestor, Susan Mbula Musyoki, testified that her late mother was married in 1956 and they were born and brought up in the home, Matungulu /Sengani/3379, their mother was there for 46 years until her death 1998. The 1st Administrator Ann Njeri Musyoki was bought property 2715 to build her home,PW1 stated that when their father died, 1st Administrator took all documents and properties and chased them all away from their home that was built by their father and their mother brought them up in the said home.
36. In her statement she stated that the 1st family had Agnes Musyoki who was the first wife and is deceased, Susan Musyoki, Caroline Musyoki, Joyce Musyoki and Naomi Musyoki. That the 1st wife had 5 children and PW1 has 3 children. PW1 stated all properties were in their late father's name in 1991and after his demise, PW1 took all documents in the deceased's name and filed Petition excluded the 1st house obtained grant and transferred all properties to her name.

Written Submissions

2nd Administrator's Submissions

37. It was submitted that the following issues arose for determination.
- (i) The properties forming part of the Estate of the deceased including details of the acreage and use
 - (ii) The proper mode of distribution of the Estate
38. On the properties forming part of the Estate of the deceased, including the details of acreage and use, reliance was made to Section 3(1) of the Law of Succession Act Cap 160 which defines an Estate and that therefore all properties, money in bank accounts managed by the deceased and shares owned and registered under his name during his lifetime form part of the estate of the deceased
39. In the instant case the deceased had two wives. In the 1st household, the 1st wife is deceased leaving behind five children dependents. In the 2nd household, there are four dependants with the 2nd wife being the 1st protestor in this case.
40. From the two protests filed in this Court the two main contention is property numbers Matungulu/Sengani/3379 & Matungulu/ Sengani/3370. According to the 1st Administrator/ Protestor Matungulu/Sengani/3379 is her matrimonial home and has lived there for over 20 years. The 2nd Protestor's evidence is that the Matungulu/Sengani/3370 is the family burial ground and her mother among other relatives are buried on the said property.
41. On the proper and equitable mode of distribution of the Estate, reliance was made to Section 40 and 38 of the Law of Succession Act and the case of Stephen Macharia versus Gichunge Munuhe & Another [2010] eKLR, and further fortified by the case of the estate of C.K.B alias C.K.B (deceased) (2010) eKLR, it was their submission that the law applicable in the distribution of the Estate of the deceased is



- section 40 of the *Law of Succession Act* thus the court should take into account the size of the household and divide 5/9 against 4/9.
42. On distribution of matrimonial property, Section 6 of the *Matrimonial Property Act* defines matrimonial property and stipulates that ownership of matrimonial Property depends on each spouse's contribution and Section 9 of the Act recognizes contribution through the improvement of a property acquired before or during marriage.
 43. In the instant case the 2nd administrator testified that the property No. Matungulu/Sengani/3379 and the Ngei Phase 2 Plot No 259 were jointly acquired by the 1st wife and the deceased during the subsistence of their marriage. The 1st protester did not offer any proof of contribution and even proof and evidence of when she moved into the property Matungulu/Sengani/3379 and therefore the property should be inherited by the 1st household. Reliance was placed in the case of Benson Njoroge Gitau vs Peter Mwangi Gitau, Nakuru HCSC No.330 of 2003.
 44. It was submitted that most of the 1st household relatives had been buried on the property Matungulu/Sengani/3370 and that at the very least the property be registered to both houses jointly. That the property Matungulu/Sengani/2804,3379, 3370 and 3368 that the 1st protestor allegedly bought together with the deceased yet has not proved the same warrants to be termed as matrimonial property. Reference was drawn to Section 107,108 and 109 of *Evidence Act* on the burden of proof.
 45. It was submitted that it was evident from the bank statements that the 1st protester on several occasions before the grant was revoked used to withdraw funds rendering the bank account empty and that if the 1st protester is not able to refund the said amount, the same shall be taken into consideration in the subdivision of property.
 46. Reliance was placed to the case of the late Gedion Manthi Nzioka (deceased) (2015) concerning gifts inter vivos and gifts mortis causa that the salient features of gift inter vivos are the gifting must be in writing, must be effected by registered transfer and must be completed in order for the same to be valid.it was submitted that the gifting was completed as the intention and fulfilling of the gift was complete but that the gifts be taken into account at the time of the distribution in order to enhance equitable distribution of the Estate of the deceased between the two houses as in the case of Micheni Aphaxard Nyaga & 2 others v Robert Njue & 2 others [2021] eKLR.
 47. It was their final submission that the mode of distribution advanced by the 1st protester is unjust and unequitable and the same should not be condoned by this Honourable Court.

1st Administrator/1st Protestor Submissions

48. 1st Protestor/1st Administrator submissions dated 17th August, 2023 stated that the issue of the rightful beneficiaries of the deceased is not disputed by the parties; That the 1st house has five (5) beneficiaries and the 2nd house has four (4) beneficiaries and that the issue in contention was with regard to the mode of distribution of the deceased estate. Reliance was made to the Law of Succession meaning of the estate.
49. The 1st Protestor/Administrator maintains that her permanent home of residence and matrimonial home is land parcel No. Matungulu/Sengani/3379 and is where she lived with the deceased and her children for more than 20 years. She also sought to be granted land parcel No. Matungulu/Sengani/3370 which happened to form part of the family burial ground.
50. Reliance was placed in the case of Estate of the Late Siwanyang Ngilotoch(deceased) [2021] to buttress the point that a blind application of section 40 of the *Law of succession Act* may lead to absurdity.



51. It was further submitted that the 1st protestor/administrator contributed to the acquisition and development of various properties that formed part of the deceased's estate and the reason given that she had no meaningful source of income thus could not have acquired any property was baseless and unfounded and that contribution need not be in monetary terms when it comes to matrimonial property, reliance was placed in the case of *SMM vs RAZ & another* [2018] and *Chakupewa vs Mpenzi & Anor* (1999) to buttress this point.
52. That all the parcels registered in the name of Ann Njeri Musyoki before the succession cause was initiated are her properties and do not form part of the Estate and that anybody who wished to challenge ownership should file a case at the ELC Court. Reliance was placed to the case of *Re Estate of Stone Kathuli Muindi (deceased)* [2016].
53. It was submitted that the deceased's estate should not be distributed only on the basis that the 1st house has more children than the 2nd house and there were several other factors which needed to be considered including when the assets were acquired. Reliance was placed to the case of High Court Succession Cause No. 650 Of 2008 John Maina Gakuo & Another versus Veronica Wanjiku Gakuo (2020).
54. It was the 1st Protestor's final submission that the court upholds her mode of distribution as contained in the affidavit of protest dated 14/6/2021 as it is just and suitable in the circumstances.

Determination

55. The Court considered pleadings and written submissions by parties. The task presented to this Court for determination is distribution of the estate of the deceased amongst the beneficiaries who include surviving spouse of the deceased of 2nd House and children of the 1st House.
56. The deceased died in 2010 after promulgation of *the Constitution* that provides for non-discrimination vide Article 27 CoK. The *Law of Succession Act* is therefore, the applicable law in distribution of the estate of a polygamous family by Section 40 LSA but taking into account *the Constitution* standard of non-discrimination.

S 40. (1) Where an intestate has married more than once under any system of law permitting polygamy, his personal and household effects and the residue of the net intestate estate shall, in the first instance, be divided among the houses according to the number of children in each house, but also adding any wife surviving him as an additional unit to the number of children.
57. Applying the law to the facts of the instant case; there are rival issues and submissions raised by parties with regard to the proposed mode of distribution in the Summons for Confirmation filed in Court.
58. The List of beneficiaries is/are;
 - 1st House; 2nd House
 - Susan Munyoki Ann Njeri Musyoki-2ndwife/widow
 - Caroline Musyoki Reuben Musyoki
 - Joyce Musyoki Brian Musyoki
 - Lilian Musyoki Peninah Musyoki
 - Naomi Musyoki



59. The 1st Protestor , surviving widow of the deceased challenged the 2nd Protestor, eldest daughter of the 1st house (as their mother Agnes Mwelu Musyoki is deceased) to provide proof of other properties in the Amended Summons for Confirmation of Grant.
59. The 1st Protestor took issue with distribution of LR Matungulu/Sengani/3379 which she states is her matrimonial home where she lived with the deceased and their children for over 20 years. Matungulu/Sengani/3370 is part of burial ground should be registered in her name as it forms part of her matrimonial home.
60. The 1st Protestor submitted that Matungulu/Sengani/2715 is her property she bought it and is not part of the estate of the deceased available for distribution.
61. The 1st Protestor asserted proprietary rights to properties Matungulu /Sengani/2804,3379,3370 & 3368 as these properties though in the name of the deceased were jointly acquired by her and the deceased and were registered long after 2nd Protestor’s mother ‘s death.
62. The 2nd Protestor also claims the matrimonial home LR Matungulu/Sengani/3379 which was their home before their mother died and Matungulu/Sengani/3370 is where her late mother and other relatives are buried. The 2nd Protestor claims more property from the estate as 1st Administrator had more properties during their late father’s life. The 2nd Protestor submitted that 1st Protestor allocated the 2nd family prime properties and left properties of less value to the 1st family.
64. From the rival submissions it is incumbent for this Court to ensure as far as possible while applying Section 40 LSA, the distribution of the estate of the deceased to the beneficiaries is fair, just and equitable in the circumstances and not necessarily equal distribution as each case is considered on its own circumstances.
65. In Re Estate of the Late Siwanyang Ngilochi (Deceased) [2021] eKLR the Court considered the sharing of net estate of an intestate polygamous deceased person, the Court exercises discretion and bears in mind principles of fairness, and equity among the beneficiaries.
66. In Scholastica Ndululu Sura vs Agnes Nthenya Suva (2019) eKLR, the Court observed that blind application of Section 40 of LSA may lead to absurdity and although the Section provides for general distribution of the estate of a polygamous person, the Court has discretion to take into account factual circumstances of the particular case that may be relevant in ensuring equitable and fair distribution of the estate.
67. In Re Estate of John Musambayi Katumanga (deceased) [2014] eKLR the Court observed;
- “The Act (LSA) does not appear to have provisions to govern circumstances where a monogamous deceased ends up with 2 households consequent upon remarriage following the death of the 1st wife.
- It would appear that in dividing the estate of such a deceased person the Court should be guided by provisions of both Sections 35 and 40 of the Act
68. The established facts are that Agnes Mweu Musyoki 1st wife of the deceased was married in 1956 and they lived together brought up the 5 children of the marriage built their home at Matungulu/Sengani 3379 drilled the water borehole and took care of the land until her death in 1998 as indicated by attached Death Certificate by poison. 1st wife was/is buried at adjacent land Matungulu/Sengani 3370 where the deceased is buried too among other relatives as the family burial site.



69. The Co -Administrator widow of the deceased Anne Njeri Musyoki was married in 2001 and lived in the same matrimonial home Matungulu/Sengani 3379 with the deceased upto his demise and raised 3 children of the marriage.
70. Therefore, both houses rightfully claim the family, matrimonial home as occupied but at different times. The 1st Administrator had no legal right to chase children of the 1st house from their home as she found the home intact they did not build it.
71. With regard to the submission that part of the properties belongs to the 1st Administrator as they are in her name and she bought from her funds and contributed to the matrimonial property, division of matrimonial property is between spouses therefore in the absence of the deceased, the Court requires evidence of source of her funds or payment for the particular property or Sale Agreement where 1st Administrator is written as Buyer and signed to back up the her name on the Title documents which is/are lacking.
72. Naturally upon the deceased's death she had knowledge and custody of the deceased's documents and opportunity to transfer to her name when she obtained the grant before it was revoked. Therefore, in light of rival submissions and the evidence on record this Court distributes the properties of the deceased to the 2 houses that comprise deceased's family as follows;

Disposition

73.
 - a. Matungulu/Sengani 3368, 1516, 3023, 2804,3379,1522, 3370 2711 shall be jointly and equally shared and owned amongst both houses' family members represented by the Administrators. The 1st House part of the deceased's family shall have access to both matrimonial home and graveyard. Both houses family of the deceased were born brought up and/or lived in the home and they have relatives buried in the Graveside- the deceased who is related to all of them is buried there. Therefore, all beneficiaries shall have access use occupy have possession and be registered of the said properties particularly the home 3379 and graveyard 3370.
 - b. Matungulu/ Seghani 2715 – admittedly bought by the deceased for 1st Administrator, Ann Njeri Musyoki to inherit wholly.
 - c. Barclays Queensway House Branch a/c No. 0942217420, 0943965897,0944385002 & KCB Tala Branch A/c No. 1107250889 – If there are funds available left in the above Accounts to be shared equally amongst both houses through both Administrators.
 - d. Share certificate No. 104787 – Kenya Airways
 - (e) Kenya Airways staff Retirement Benefits Scheme
 - (f) Kwa Matangi FCS Ltd No. 2596
 - (g) Shares at Matungulu Farmers Co-op Society limited
 - (h) Share at Kamulu Housing Co-Operative Society Plot No. 1923
 - (i) Share at Kayatta Farmers Co-op Society
 - (j) Share at Matungulu House in Nairobi under Matungulu Co-op Society limited
 - (k) Kamulu housing plot no. 259 on L.R No. 8484



- (l) Complete stall no.394 – Eastleigh market Nairobi
- (m) Ngei Phase 2 Plot No. 259 – belonged to the 1st wife (deceased) to be inherited wholly by the children of 1st House held by 2nd Administrator Joyce Mwikali Musyoki
- (n) Matungulu Plot No.2 within Kangundo Town Council

All the other properties listed above without comment shall be shared equally and jointly held by both Administrators in trust for each beneficiary in each of the houses.

JUDGMENT DELIVERED SIGNED DATED IN OPEN COURT IN MACHAKOS ON 26TH APRIL, 2024 (VIRTUAL/PHYSICAL CONFERENCE)

M.W.MUIGAI

JUDGE

In The Presence Of:

Mr Kyalo- For 1st Administrator

Mr Munguti- For 2nd Administrator

Geoffrey/patrick - Court Assistants

