



REPUBLIC OF KENYA

IN THE KADHI'S COURT OF KENYA AT BUNGOMA

FROM THE HIGH COURT OF KENYA AT BUNGOMA

P&A NO. 118 OF 2014.

HAFSA GULA MWINYIDECEASED

VERSUS

MIRIAM AKAMALA GULA 1st PETITIONER

MUGAMO OMARI MWINYI.....2nd PETITIONER

RULING

1. The deceased herein died intestate on 1st September, 2009 (death cert. 074424 issued at Kakamega) leaving behind E.BUKUSU/ S.KANDUYI/ 9351 measuring 0.07HA. At the time of her demise, she was survived by her mother, two sisters and one brother as bonafide heirs. The heirs are listed in P& A 5 and Petitioners' affidavit in support dated 27th September, 2016.
2. It was the evidence of the heirs herein that they had already sold whole of E.BUKUSU/ S.KANDUYI/ 9351 – 0.07HA through Miriam Akamala Gula to one RICHARD WESONGA MUTTAYI and wanted the same directly transferred and or registered in his name.
3. The court is guided by Art.170(5) of the Constitution of Kenya 2010, read together with sec(5) and (6) of the Kadhi's court Act Cap II and Sec.2(3) and Sec. 48(2) law of Succession Act Cap 160. The parties herein on 16th October, 2017 and 23rd October, 2017 agreed that the same be registered in the name of the purchaser one RICHARD WESONGA MUTTAYI of which the court had no objection.
4. Schedule of sharing.

NAME	DESCRIPTION OF PROPERTY	SHARES
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E.BUKUSU/ S.KANDUYI/ 9351-0.07HA		
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1. RICHARD WESONGA MUTTAYI (BUYER)	”	0.07HA
2. MIRIAM AKAMALA GULA (MOTHER)	”	NIL
3. MWATUMU MUKAHASWA GULA (SISTER)	“	NIL
4. MWANATENA GULA MWINYI (SISTER)	”	NIL
5. MUGAMO OMAR MWINYI (BROTHER)	”	NIL

D.S. RATORI, PK

23/10/2017

COURT: Ruling made.

Matter fixed for confirmation before High court on 5th December, 2017.

D.S. RATORI, PK

23/10/2017