



Case Number:	Succession Cause 144 of 2010
Date Delivered:	06 Oct 2021
Case Class:	Civil
Court:	High Court at Kitale
Case Action:	Ruling
Judge:	Luka Kiprotich Kimaru
Citation:	In re Estate of Dishon Ndayala Agola (Deceased) [2021] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Family
History Magistrates:	-
County:	Trans Nzoia
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

SUCCESSION CAUSE NO. 144 OF 2010

IN THE MATTER OF THE ESTATE OF DISHON NDAYALA AGOLA – DECEASED

JIMMY AGOLA.....APPLICANT

VERSUS

BELICE MUCHENGE AGOL.....1ST ADMINSTRATOR/RESPONDENT

JARED LUVAYI NDAYALA.....2ND ADMINSTRATOR/RESPONDENT

MUSA LITU NDAYALA.....3RD ADMINSTRATOR/RESPONDENT

WALIOLI & HUSSEIN ADVOCATES.....4TH RESPONDENT

RULING

Jimmy Agola, one of the beneficiaries of the estate of the deceased herein has made an application before this court seeking order of this court to compel the administrators and their advocate, Walioli & Hussein Advocates to furnish accounts for the sale of LR No 2116/486 (IR 23967) (suit property) which was sold by the said administrators, allegedly without the knowledge of the Applicant. The Applicant complains that he did not benefit at all from the proceeds of the said sale. It is on that basis that the Applicant sought for the administrators and the advocate to furnish him with accounts.

Musa Litu Ndayala, one of the administrators swore a replying affidavit in answer to the application. He confirmed that indeed the suit property was sold for a purchase consideration of Kshs 40,000,000/=. However, the explanation takes a mysterious turn when he depones that only the sum of Kshs 12,564,999/= was transferred by the advocate to the administrators. No explanation was given as to how the sum of Kshs 27,435,001/= was utilized or who benefited from it.

This court agrees with the Applicant that indeed proper accounts of the said proceeds of Sale must be rendered. The replying affidavit sworn by the 3rd administrator is unsatisfactory and does not give proper accounts.

In the premises therefore, the application by the Applicant seeking proper and accurate statement of accounts is granted. The three administrators, with their advocate, are ordered to render proper accounts to this court within 30 days of today's date, failure of which the Applicant shall be at liberty to take appropriate enforcement measures.

The Applicant shall have the costs of the Application.

DATED AT KITALE THIS 6TH DAY OF OCTOBER 2021.

L. KIMARU

JUDGE



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