



**In re Estate of Zakayo Likami Akola (Deceased) (Succession Cause
404 of 2014) [2024] KEHC 14662 (KLR) (26 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14662 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 404 OF 2014
S MBUNGI, J
NOVEMBER 26, 2024**

BETWEEN

JOHN INDASIO LIKAMI APPLICANT

AND

ANN LUKASI MUSHIMULI ADMINISTRATOR

RULING

1. The applicant filed for summons for revocation of grant in this court seeking the following orders:
 - a. That orders of this Honorable Court granted on the 1st February 2022 be revoked, annulled, vacated and set aside
 - b. That Grant Issued to Ann Lukasi Mushimuli and subsequently upon Haron Mushimuli be revoked.
 - c. That fresh Grant of Letters of Administration be issued upon John Indasio
 - d. That Lr Kakamega/shitochi/1331 revert back to the names of John Indasio.
 - e. That the costs of this application be provided for.
2. The application was premised on the grounds on the face of it and an affidavit sworn by the applicant.
3. The applicant stated that the grant earlier issued by the court was obtained by the administrator fraudulently as she misled the court to believe that the deceased died without a child.
4. In his affidavit, the applicant further states that the administrator revoked a grant earlier issued to him and was issued a fresh grant due to his honest failure to attend court during the hearing for the summons for revocation of grant.



5. In opposition to the application, one Haron Isiaho Mshimuli swore affidavit evidence where he stated that he is the son of the late Ann Lukasi Mushimuli (deceased) having been substituted to proceed with this suit on her behalf.
6. He stated that the averment by the applicant that he is the son of the deceased and that he had other siblings namely John Indasio, Dorca Isigi and Joseph Vusuru is a mere allegation as there is no evidence to prove this fact and that the photographs attached to the Affidavit are not admissible in evidence as they do not meet the provisions of Section 106B(2) and (6) of the Evidence Act and I object to the production of the same as evidence, neither do they prove paternity.

Determination.

7. I have looked at the application, the affidavits and the court record.
8. I note that the administrator herein died, and Haron Isiaho who protests the application herein never applied for substitution. Therefore, I find that he has no locus standi in the matter.
9. The upshot of the above, I hereby allow the application as prayed since it is unopposed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 26TH DAY OF NOVEMBER, 2024.

S.N MBUNGI

JUDGE

In the presence of :

Ms. Repha Mokeira for Applicant present

Respondent – absent

Court Assistant – Fred Owegi

