



REPUBLIC OF KENYA



In re Estate of Bwali Joseph Sangolo Kutwa (Deceased) (Succession Cause 371 of 2015) [2023] KEHC 2995 (KLR) (24 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2995 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 371 OF 2015
RE ABURILI, J
MARCH 24, 2023**

BETWEEN

**BWALI JOSEPH SANGOLO KUTWA ALIAS JOSEPH BWALI SANGORO ALIAS
BWALI JOSEPH SANGOLO KUTWA DECEASED**

AND

PAULINE ANDISI KISUI APPLICANT

RULING

1. The Petitioner herein Pauline Andisi Kisui is the widow to the deceased Bwali Joseph Sangolo. She was issued with a grant of letters of administration intestate to administer the deceased's estate on March 22, 2015 and the same was confirmed on March 22, 2022.
2. The sole asset then was listed as shares with Cooperative Bank of Kenya and she was to get whole shares. She is now back to court *vide* summons for rectification of grant dated September 23, 2022 seeking to include in the list of assets parcel No Isukha/Shirere/1829 which she says has been recovered from fraudsters through a court order.
3. She has attached a copy of search certificate dated September 22, 2022 and it shows the registered proprietor as at October 6, 1976 to be Bwali Joseph Sangoro.
4. There is no evidence that there was fraudulent acquisition and subsequent reversion of title via a court order.
5. Nonetheless, as the estate of the deceased cannot be administered piecemeal, I hereby allow the application dated September 23, 2022 and order that the certificate of confirmation of grant dated March 22, 2022 shall be amended and rectified to include the said parcel No Isukha/Shirere/1829 to be allocated to the petitioner wholly as the sole beneficiary.



6. A fresh amended/rectified certificate of confirmation of grant to issue forthwith with conditions for rendering accounts of the estate of the deceased within 6 months of today as stipulated in section 83 of the *Law of Succession Act*.
7. Petitioner to be notified.
8. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 24TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

