



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Charles Onyango Oriema (Deceased) (Succession Cause
843 of 2004) [2023] KEHC 2997 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2997 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 843 OF 2004
RE ABURILI, J
MARCH 24, 2023**

RULING

1. On March 16, 2005, a grant of letters of administration intestate was issued to Titus Donald Onyango, to administer the estate of the late Charles Onyango Oriema, who died on November 14, 2003.
2. The said grant was subsequently confirmed on March 28, 2006. The property/assets of the deceased as listed in the Schedule of distribution and as disclosed in P&A 5 are Kisumu/Songhor 316, 710, 709 and 711.
3. On September 23, 2022, the administrator filed summons for rectification of grant seeking to include properties No Kisumu/Wathorego 1820, 1821, 1822 and Kisumu/Got Nyabondo/1378 as part of the deceased's estate. The reasons for the non-inclusion in the Petition for grant are that they did not know that the stated properties belonged to the deceased until November 2020. The official search certificates have been annexed showing ownership thereof.
4. The Administrator has also annexed a Schedule of proposed distribution of he discovered properties and a consent duly signed by all beneficiaries of the estate.
5. At there is no objection to the summons, I find no reason to decline the same. I hereby make the following orders:
 1. That the Certificate of confirmation of grant issued in respect of the estate of the deceased Charles Onyango Oriema on March 28, 2006 is hereby set aside and substituted with a fresh rectified/amended certificate of confirmation of grant which shall consist of a schedule of distribution of the deceased's estate as earlier listed in the certificate issued on March 28, 2006 and the new assets now listed in the consent of mode of distribution filed in court on September 23, 2022.
6. The administration/distribution of the estate of the deceased Charles Onyango Oriema to be concluded within six (6) months of this order and accounts rendered into court by the administrator as required under section 83 of the *Law of Succession Act*.



7. The Petitioner's advocate to be notified forthwith.

8. This file is closed. I so order.

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

R. E. ABURILI

JUDGE

