



REPUBLIC OF KENYA



In re Estate of Dalmas Chama Omuko (Deceased) (Succession Cause 89 of 2011) [2023] KEHC 2993 (KLR) (24 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2993 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 89 OF 2011**

RE ABURILI, J

MARCH 24, 2023

IN THE MATTER OF THE ESTATE OF DALMAS CHAMA OMUKO (DECEASED)

IN THE MATTER OF

PATRICK WASONGA AKACHA 1ST APPLICANT

MAURICE ODIEK 2ND APPLICANT

RULING

1. A grant of letters of administration intestate was issued to Patrick Wasonga Akacha and Maurice Ondiek to administer the estate of the deceased Dalmas Chama Omuko on April 30, 2013.
2. In the Certificate of confirmation of grant issued on December 20, 2017, the sole beneficiary of the entire estate comprising two parcels of land Nos Kisumu/Sidho/227 and Kisumu/Sidho/210 was Jenifa Auma Odie who was the widow and sole beneficiary as she had no child, according to the chief's letter dated January 25, 2011 written to court by Martin Olum.
3. The widow however consented to the administrators herein petitioning for grant which they did and it was confirmed in their names.
4. However, from the application dated October 4, 2022, the said widow/sole beneficiary has since died and the two administrators now seek to rectify the grant to share the property held by the deceased beneficiary as they are the only surviving beneficiaries.
5. I observe that the Chief's letter dated January 25, 2011 indicated that the deceased Jenifa Auma Odie had wished that the two administrators share the named properties as proposed in the application dated October 4, 2022.
6. It is not clear whether the deceased Jenifa Auma Odie had caused the two parcels of land to be registered in her name prior to her demise. If she had not done so as per the grant confirmed on December 20,



2017, then the estate of the deceased Dalmas Chama Omuko is not fully administered hence, the need to have the administrators complete that process.

7. In the premises, as there is no evidence of there being any other beneficiary to the estate, I hereby allow the application dated October 4, 2022 and order that the applicants herein who are also administrators of the estate of Dalmas Chama Omuko and the only surviving beneficiaries of the said estate shall share in the property of the deceased which is not yet distributed and or the estate fully administered.
8. The certificate of confirmation of grant issued on December 20, 2017 is hereby set aside and substituted with a fresh/amended certificate of confirmation of grant with a schedule of distribution of the estate being amended to accord with the proposed schedule contained in the application dated October 4, 2022.
9. Administrators/Beneficiaries herein to fully administer the estate of the deceased Dalmas Chama Omuko and file/render accounts to court within 6 months of this date as required under section 83 of the *Law of Succession Act*.
10. Parties to be notified forthwith.
11. This file is now closed.
12. I so order.

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

RE ABURILI

JUDGE

