



**In re Estate of Henure Otieno Obilo (Deceased) (Succession Cause 993 of 2004) [2023] KEHC 2962 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2962 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 993 OF 2004  
RE ABURILI, J  
MARCH 24, 2023**

**IN THE MATTER OF**

**SAMSON ODOYO OTIENO ..... 1<sup>ST</sup> APPLICANT  
KEFA ODHIAMBO OWINO ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. This is a 2004 Succession Cause. The initial grant was issued on March 30, 2005 and confirmed on March 8, 2007 but rectified or amended on February 29, 2016.
2. The assets of the estate as listed in P&A 5 filed on November 25, 2004 are three namely: Kisumu/Nyalunya/ 2969, 393 and 401.
3. However, in the amended confirmed grant, only parcel Nos 2920 and 401 were shared out and Parcel No 2920 was not part of the listed assets while Parcel No 393 was left out of the distribution. This followed an earlier confirmed grant certificate of March 8, 2007 which had distributed all the properties listed in the P&A.5
4. Vide Chamber Summons dated December 20, 2021, the Petitioners seek for further rectification of the grant to include parcel No Kisumu/Nyalunya/2977 (0.3ha) among the assets of the deceased as it was not included in the list of assets.
5. There is no objection to the proposed rectification and mode of distribution.
6. I allow the application and order that a fresh amended and rectified certificate of confirmed grant do issue including the new property No Kisumu/Nyalunya/2977 and the same be distributed as proposed, namely, that it be shared between Samson Odoyo Otieno and Kefa Odhiambo Owino in equal shares.
7. This Ruling to be typed, order extracted and Petitioners be notified forthwith.



8. File closed save for rendering of accounts of the estate which is a condition to be attached to the fresh certificate of confirmed grant as amended/rectified and issued forthwith.
9. File closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 24<sup>TH</sup> DAY OF MARCH, 2023**

**R. E. ABURILI**

**JUDGE**

