



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Jackton Opondo Gombe (Deceased) (Succession Cause  
418 of 2004) [2023] KEHC 2964 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2964 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 418 OF 2004  
RE ABURILI, J  
MARCH 24, 2023**

**IN THE MATTER OF  
ANJELINE ALUOCH OPONDO ..... APPLICANT**

**RULING**

1. I have perused the application by way of summons for rectification of grant dated October 24, 2022. I observe that the grant issued to Anjeline Aluoch Opondo to administer the estate of the deceased Jackton Opondo Gombe on June 8, 2004 was confirmed on February 24, 2005 and the estate distributed to Samuel Byron Gombe, Keith Oscar Adero and Daniel Austine Owira.
2. I further observe that as at the time of filing of the Petition for grant in 2004 and issuance of the said grant in 2005, Daniel Austine Owira was 13 years old while Keith Oscar Adero was 4 years old.
3. The said beneficiaries have since become of age and it appears that the names which were used to assign them the assets are different from the names in their national identity cards hence the Administration is unable to transmit the landed properties into their names.
4. The two beneficiaries have since sworn affidavits (Statutory Declarations) on March 1, 2023 explaining away the discrepancies in their names and annexing certified copies of their National Identity Cards and Birth Certificates. The Birth Certificate of Daniel Austine Owira issued on November 19, 2003 shows the deceased and Anjeline Aluoch Opondo to be his parents. The Birth Certificate for Keith Oscar Adero issued on November 6, 2013 shows Jackton Opondo Gombe the deceased and Anjeline Aluoch Opondo as his parents.
5. The National Identity Card for Austine Owira Opondo, No 28643513 gives the name Austine Owira Opondo while the identity card for Keith Oscar Adero Opondo is not annexed.



6. I have considered the application which is not opposed. I hereby allow the application and order as follows:
  1. That the certificate of confirmation of grant issued on February 24, 2005 is hereby set aside and substituted with a fresh amended certificate of confirmation of grant with the 2<sup>nd</sup> and 3<sup>rd</sup> beneficiaries on the said previous certificate to read as follows: (i) Austine Owira Opondo and Keith Oscar Adero respectively.
  2. The mode of distribution of the estate of the deceased Jackton Opondo remains the same as was in the certificate of confirmation of grant issued on February 24, 2005.
7. The Administrator to be notified forthwith and to conclude the process of administration of the estate within six (6) months of today and in accordance with Section 83 of the *Law of Succession Act*, to file into court accounts.
8. This file is closed subject to the above statutory condition.
9. I so order.

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

**R E ABURILI**

**JUDGE**

