



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Teresa Onunga Ooro (Deceased) (Succession Cause  
1013 of 2015) [2023] KEHC 2959 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2959 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT KISUMU**

**SUCCESSION CAUSE 1013 OF 2015**

**RE ABURILI, J**

**MARCH 24, 2023**

**IN THE MATTER OF THE ESTATE OF TERESA ONUNGA OORO (DECEASED)**

**IN THE MATTER OF**

**PAMELA ALUOCH OORO ..... 1<sup>ST</sup> APPLICANT**

**ONUNGA SERETSE OORO ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. From the court record, the deceased Teresa Onunga Ooro who died on August 6, 1984 was survived by James Onyango Ooro his son. The said son petitioned for grant of letters of administration intestate on September 16, 2015 but he died on March 25, 2019. He was survived by his widow Pamela Aluoch Awuor and son one Onunga Seretse Ooro.
2. The two beneficiaries of the estate of James Onyango Ooro applied to this court on December 18, 2019 to be substituted as administrators of the estate of Teresa Onunga Ooro in the place of the late James Onyango Ooro.
3. The application was allowed and on July 9, 2020, a grant was issued to Pamela Aluoch Ooro and Onunga Seretse Ooro. The two administrators then applied for confirmation of the said grant and this was done on April 29, 2021 with the only property Kisumu/Konya/2851 being shared equally between the two co-administrators.
4. However, it has turned out that the property in question was registered in the joint names of Teresa Onunga Ooro and James Onyango Ooro who are both deceased, yet the grant and certificate of confirmation of grant do not mention the name of James Onyango Ooro hence the summons for rectification of grant dated February 10, 2023 but struck out for being defective and another one dated March 5, 2023 filed.
5. I have considered the application by way of summons for rectification of grant dated March 5, 2023, the grounds and supporting affidavit sworn by Pamela Aluoch Ooro and Onunga Seretse Ooro. The



Applicants who are co-administrators- mother and son have agreed on the distribution mode of the estate which distribution is hampered by a very simple error of omission.

6. I hereby allow the application dated March 5, 2023 and order that both the grant issued on July 9, 2020 to the administrators and certificate of confirmation of grant issued on April 29, 2021 be and are hereby rectified and amended to include the name of James Onyango Ooro as follows in the citation.

“In the matter of the Estate of Teresa Onunga Ooro (Deceased) and James Onyango Ooro (Deceased).”

7. In addition, the Grant to be reissued afresh as amended and rectified shall, in all respects, where the name of Teresa Onunga Ooro is mentioned, include the name of James Onyango Ooro. This is so because the two were joint registered co-owners of the property subject of the succession proceedings with each having ½ share of land parcel No Kisumu/Konya/2851 as per search certificate dated January 26, 2015 filed in court on September 16, 2015 with the Petition herein.
8. The estate of the deceased Teresa Onunga Ooro and James Onyango Ooro shall be administered fully within six (6) months of today as stipulated in section 83 of the *Law of Succession Act*.
9. Parties’ counsel to be notified forthwith.
10. This file is closed.

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

**RE ABURILI**

**JUDGE**

