



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Gerald Oginga Orwako (Deceased) (Succession Cause
241 of 2011) [2023] KEHC 3730 (KLR) (24 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3730 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 241 OF 2011
RE ABURILI, J
APRIL 24, 2023
IN THE MATTER OF THE ESTATE OF
GERALD OGINGA ORWAKO.....(DECEASED)
AND**

**IN THE MATTER OF
CHARLES OWINO ODINGA 1ST APPLICANT
FREDRICK ODUOR 2ND APPLICANT**

RULING

1. The Cause herein was filed in 2011. The deceased Gerald Oginga Orwako was a resident of Ukwala. He died on April 21, 2000. His widow and son Regina Akinyi Oringe and Charles Owino Odinga petitioned for a grant to administer his estate.
2. They were introduced to this court by a letter written on February 11, 2011 by the Chief Ukwala location PO Box 260 Ukwala.
3. The grant which was issued to the Petitioners on October 31, 2011 was subsequently confirmed on December 31, 2013. To date, the estate of the deceased which comprised of shares in East African Breweries Limited and Land Parcel No North Ugenya/Simur/1449 has never been distributed fully. There are no explanation for the delay.
4. By a Notice of Motion dated February 17, 2023, Charles Owino Odinga and Fredrick Oduor seeks for substitution of Regina Akinyi Oringe one of the administrators who has since died on January 19, 2022.
5. As there is no explanation for the delay distribution of the estate of the deceased Gerald Oginga Orwako, and as the deceased hailed from Ukwala location which is within the geographical jurisdiction of Ukwala Law Courts, within Siaya County, and as the value of the deceased's estate is minimal,



initially estimated at Kshs 100,000 although it may have appreciated with time, I hereby direct that all pending issues in this cause shall be handled by Ukwala Principal Magistrate's court where this file is hereby forthwith transferred for determination.

6. The Deputy Registrar to submit the file to the Principal Magistrate, Ukwala Law Courts and notify the applicants and the Chief, Ukwala location.
7. I further direct that in all future cases, the Registry must demand for both physical, postal addresses of the Applicants/Respondents as well as the telephone contacts for parties litigating before the court for ease of communication.
8. This file is closed from this court.
9. I so order.

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

R. E. ABURILI

JUDGE

