



In re Estate of Maurice Owino Owiti alias Morris Owino (Deceased) (Succession Cause 898 of 2014) [2023] KEHC 3466 (KLR) (24 April 2023) (Ruling)

Neutral citation: [2023] KEHC 3466 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 898 OF 2014
RE ABURILI, J
APRIL 24, 2023**

**IN THE MATTER OF
MARGARET ABONY OWINO APPLICANT**

RULING

1. Margaret Abony Owino was the petitioner and administrator of the estate of the deceased Maurice Owino Owiti. She was issued with a grant of representation on December 11, 2014 and on September 8, 2015, she applied by way of summons for confirmation of the said grant.
2. Regrettably, from the Notice of Motion dated November 30, 2015 filed by Elizabeth Akinyi Denga, who is her daughter and beneficiary, the petitioner died on October 9, 2015 before confirmation of the said grant.
3. The applicant Elizabeth Akinyi Denga prays that she be substituted as the administratrix in the place of her deceased mother. She however refers to a burial permit which is not annexed to her affidavit in support.
4. This matter came up before my sister Judge Mwanaisa on February 27, 2023 and she directed that a limited grant and chief's letter be filed by way of a supplementary affidavit.
5. I have perused the file and I observe that the deceased's estate comprises one parcel of land described as East Gem/Ramula/115 measuring 1.3 Ha as per the search certificate issued on September 12, 2014 from Siaya Lands Office. The estimated value of that land is given as Kshs 400,000 only. The applicant herein does not even indicate her physical or postal address but from the Chief's letter dated September 15, 2014 issued to the petitioner Margaret Owino, the land parcel No East Gem/Ramula/115 is situated in Siaya County, East Gem location.
6. In the death certificate issued on April 11, 2002, the deceased Maurice Owino Owiti who died on September 16, 1999 was domiciled at Gem, Siaya.



7. That being the case, it is clear to me that the Succession cause herein ought, in the first instance, to have been lodged at Siaya Magistrate's court owing to the Geographical jurisdiction as well as the pecuniary value of the estate of the deceased.
8. In the circumstances, I hereby order that the entire file herein shall be transferred to Siaya Chief Magistrate's Court for consideration of all the pending issues on their merit.
9. The Deputy Registrar to transmit this file to the Chief Magistrate at Siaya and notify the applicant Elizabeth Akinyi Denga and the other surviving beneficiary, Sesilia Otieno Owino with a copy to the Chief, East Gem Location (Box 348 Luanda).
10. I so order and mark this file as closed from the High Court at Kisumu.
11. As an advisory to our Registry Staff, all pleadings must have postal and physical addresses of the applicants as well as their telephone contacts.
12. This file is devoid of those particulars which is a serious omission as it becomes very difficult to contact parties.

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

R. E. ABURILI

JUDGE

Page 3 of 3

