



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Alex Okiya Obore (Deceased) (Succession Cause
87 of 1994) [2023] KEHC 19372 (KLR) (30 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19372 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
SUCCESSION CAUSE 87 OF 1994**

WM MUSYOKA, J

JUNE 30, 2023

RULING

1. I am tasked with determining a summons for revocation of grant, dated August 19, 2019. It is brought at the instance of Thomas Obore Okiya, who I shall refer hereto as the applicant. The applicant seeks revocation of a certificate of confirmation of grant.
2. The orders sought in the said application are not available for making. Firstly, the discretion given to the court, by section 76 of the *Law of Succession Act*, cap 160, Laws of Kenya, is for revocation of grants of representation, and a certificate of confirmation of grant is not a grant of representation.
3. Secondly, section 76 of the *Law of Succession Act* has nothing to do with certificates of confirmation of grant. The only time confirmation is relevant, for the purposes of section 76, is when the administrator has failed to apply for confirmation of his grant within the timelines set by the law, according to section 76(d)(i).
4. Thirdly, a certificate of confirmation of grant is a court document generated or extracted from confirmation orders. Revoking the certificate would be an exercise in futility, so long as the confirmation orders, from which it is generated, are not vacated or set aside. Revocation of a certificate would have no effect on the orders. In this case, the confirmation orders were made on July 29, 2007, and revoking the certificate of confirmation of grant would leave the orders of July 29, 2007 intact.
5. I believe I have said enough, to demonstrate that the application, dated August 19, 2019, is misconceived and a non-starter. It exists for dismissal, and I hereby dismiss it.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA ON THIS.....30TH.....
....DAY OF.....JUNE.....2023**

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Appearances



Mr. Omeri, instructed by Omeri & Company, Advocates for the applicant.

Mr. Manwari, instructed by Manwari & Company, Advocates for the administrator.

