



**In re Estate of Gaudensia Sule Nyambogo alias Gaudencia Nyambogo (Deceased)
(Succession Cause 447 of 2015) [2023] KEHC 22858 (KLR) (26 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22858 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 447 OF 2015
RE ABURILI, J
SEPTEMBER 26, 2023**

**IN THE MATTER OF THE ESTATE OF GAUDENSIA SULE
NYAMBOGO ALIAS GAUDENCIA NYAMBOGO (DECEASED)**

IN THE MATTER OF

**ADHIAMBO NYAMBOGO MARTIN 1ST APPLICANT
ALEX OLOO ODHIAMBO 2ND APPLICANT**

RULING

1. This Succession Cause was filed on 29th April 2015. A grant was issued on 13th July 2015 and the grant was confirmed on 8th March 2018 distributing the estate of the deceased to the listed beneficiaries.
2. Later on 30th July 2020, the 1st Administrator purported to file an application dated 28th July 2020 seeking for nullification of the Certificate of Confirmation of Grant dated 8th March 2018 on the ground that the Chief's letter stated that Adhiambo Nyambogo Martin be the administrator and sole beneficiary of the estate as agreed by the family members.
3. That is an absurd allegation as chiefs do not distribute estates of deceased persons and neither do they have powers to determine who is legally entitled to benefit from the deceased's estate. There are also no consents of the rest of the beneficiaries allowing the administrator to be the sole beneficiary after confirmation of grant distributing the estate to them.
4. In this case, there are beneficiaries who signed consents prior to the confirmation of grant and the distribution was done by consent.
5. This court cannot therefore unilaterally nullify a confirmed grant on account of a purported chief's letter giving the estate property to the 1st Administrator after the confirmation of grant when it is clear that the 1st Administrator was only but a nominee of the family and the Chief's letter dated 27th February 2015 says nothing to do with assigning him to be the sole beneficiary of the estate.



6. Accordingly, the application dated 28th July 2020 which has never been prosecuted is found to be misplaced and is hereby dismissed.
7. This file is closed as the estate of the deceased is expected to have been distributed fully by now, the grant having been confirmed over three years ago.
8. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF SEPTEMBER, 2023

R. E. ABURILI

JUDGE

