



REPUBLIC OF KENYA



**In re Estate of John Ojuondo Opiyo (Deceased) (Succession Cause
974 of 2014) [2023] KEHC 26023 (KLR) (29 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 26023 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 974 OF 2014
RE ABURILI, J
NOVEMBER 29, 2023
IN THE MATTER OF THE ESTATE OF JOHN OJUONDO OPIYO– DECEASED
AND
IN THE MATTER OF AN APPLICATION BY
SAMSON OCHIENG OJUONDO - PETITIONER**

RULING

1. This Succession Cause was filed on 14th October 2014 and gazetted on 19th December 2014.
2. A grant was issued on 24th February 2015. No summons for confirmation of grant was filed.
3. On 1st December 2016, Majanja J revoked the grant under Section 76 (d) (i) of the *Law of Succession Act*.
4. On 20th December 2019, the Petitioner sought to have the dismissal set aside but he has never prosecuted that application to date despite notices issued.
5. The grant having been revoked 8 years ago, this court cannot revisit it and in the circumstances, the Notice of Motion dated 11th December 2019 for setting aside of the revocation order of 1st December 2016 is hereby dismissed for want of prosecution.
6. The grant remains revoked for being inoperative and useless.
7. Parties interested in the estate of the deceased to petition for a fresh grant.
8. This file is closed.
9. I so order.
10. Ruling to be typed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 29TH DAY OF NOVEMBER, 2023

R. E. ABURILI

JUDGE

