



REPUBLIC OF KENYA



**In re Estate of Rosemary Achieng Ochieng - Deceased (Succession Cause 801 of 2015) [2023] KEHC 26107 (KLR) (29 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 26107 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 801 OF 2015  
RE ABURILI, J  
NOVEMBER 29, 2023**

**RULING**

1. This Succession Cause was filed on 31<sup>st</sup> July 2015. A Grant was issued on 29<sup>th</sup> September 2016. No action took place.
2. On 30<sup>th</sup> May 2018, Ochieng F. A. J revoked and annulled the grant. On 4<sup>th</sup> November 2019, following an application by the Petitioner, that order of dismissal was set aside and the Petitioner was given 30 days to file summons for confirmation of grant.
3. It was not until 23<sup>rd</sup> January 2020 that summons were filed and still, no steps have been taken to have the grant confirmed by prosecuting the summons.
4. In the premises, I hereby dismiss the summons for confirmation of grant dated 20<sup>th</sup> January 2020 for want of prosecution and reinstate the order revoking and annulling the grant made on 30<sup>th</sup> May 2018.
5. Any person interested in the estate of the deceased Rosemary Achieng Ochieng shall petition for a fresh grant.
6. This file is closed.
7. I so order.
8. Ruling to be typed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 29<sup>TH</sup> DAY OF NOVEMBER, 2023**

**R. E. ABURILI**

**JUDGE**

