



REPUBLIC OF KENYA



In re Estate of Edward Deya Onyango (Deceased) (Succession Cause 140 of 2011) [2023] KEHC 26152 (KLR) (27 November 2023) (Ruling)

Neutral citation: [2023] KEHC 26152 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 140 OF 2011
RE ABURILI, J
NOVEMBER 27, 2023
IN THE MATTER OF THE ESTATE OF EDWARD DEYA ONYANGO – DECEASED
AND
IN THE MATTER OF AN APPLICATION BY CHARLES
ONDU DEYA – PETITIONER/ADMINISTRATOR**

RULING

1. On 13th October 2023, the Applicant was represented by John Onyango Deya who stated that the Applicant was unwell. The court directed that all beneficiaries sign a consent on the re-distribution of the estate and that they attend court today.
2. There is no appearance today and no consent has been filed.
3. I observe that the Administrator left out of the succession cause substantial part of the estate claiming that he did not know about it.
4. The grant was obtained on 26th October 2011. There is no evidence of distribution of the estate of the deceased as there is a pending summons for revocation of the grant by Moses Owiti Deya. It is dated 4th May 2014. The same has not been prosecuted to date.
5. I hereby dismiss the summons for revocation of grant dated 4th May 2014 and proceed to revoke the grant issued on 26th October 2011 to the administrator herein Charles Ondu Deya as the said grant is inoperative and useless.
6. The family of the deceased Edward Deya Onyango to petition for a fresh grant and list all assets of the deceased's estate and all beneficiaries who are entitled thereto.
7. Consequently, the summons for confirmation of grant dated 12th September 2023 is also dismissed for want of prosecution and this file closed.
8. This ruling to be typed forthwith.



9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF NOVEMBER, 2023

R. E. ABURILI

JUDGE

