



REPUBLIC OF KENYA



In re Estate of Hezron Oranga - Deceased (Miscellaneous Succession Cause E011 of 2023) [2023] KEHC 27157 (KLR) (18 December 2023) (Ruling)

Neutral citation: [2023] KEHC 27157 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E011 OF 2023**

RE ABURILI, J

DECEMBER 18, 2023

IN THE MATTER OF THE ESTATE OF HEZRON ORANGA –DECEASED

AND

**IN THE MATTER OF AN APPLICATION BY MARGARET AOKO ORANGA,
WYCLIFFE ONYANGO ORANGA & EZEKIEL OYUGI ORANGA - APPLICANTS**

RULING

1. This Succession Cause was filed on 14th September 2005 by Margaret Aoko Oranga, Wycliffe Oranga and Ezekiel Oyugi as Petitioners who were issued with a grant dated 4th July 2002 to administer the estate of the late Hezron Oranga who died on 22nd February 2000 at Star Hospital.
2. The grant was confirmed *vide* certificate of confirmation of grant dated 22nd September 2005 which provided for the mode of distribution of the estate of the deceased as per the schedule annexed.
3. Margaret Aoko Oranga was to have the entire estate with no mention of whether she was to hold it in trust for herself and children or other beneficiaries of the estate.
4. Upon obtaining certificate of confirmation of grant 18 years ago, it is expected that the estate of the deceased would by now be fully distributed.
5. That is not the case here, unfortunately.
6. This court is confronted with a fresh application dated 14th November 2023 seeking for rectification of the confirmed grant to remove the name of Margaret Aoko Oranga who is now said to be deceased and that some of the estate properties are yet to be distributed as they are still in the names of the deceased.
7. There is no death certificate annexed to the affidavit of Wycliffe Oranga, at least as per the documents submitted to me. The affidavit claims at paragraph 5 that Margaret Aoko Oranga died on 21st July 2020 which is over 3 years ago.
8. There is no reason given why the estate of the deceased Hezron Oranga has not been fully distributed from 2005.



9. No doubt, the grant as issued and confirmed never served its purpose. It became useless and inoperational with lapse of time.
10. This court cannot rectify a grant which never served the purpose for which it was issued by the court.
11. Accordingly, I find no substance in the application herein dated 14th November 2023. I dismiss it and I proceed to revoke the grant issued to the administrators Margaret Aoko Oranga, Wycliffe Oranga and Ezekiel Oranga on 4th July 2002 and confirmed on 22nd September 2005.
12. The beneficiaries of the estate to petition for a fresh grant using this order revoking the confirmed grant.
13. This Ruling and order to be typed and issued.
14. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF DECEMBER, 2023.

R. E. ABURILI

JUDGE

