

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT HOMA BAY

PROBATE & ADMINISTRATION NO.505 OF 2015

IN THE MATTER OF THE ESTATE OF ODONGO MBWAYO (DECEASED)

BETWEEN

MILLICENT ACHIENG OBURAAPPLICANT

AND

JOHN OBINGO ODONGO.....RESPONDENT

RULING

1. Millicent Achieng Obura the applicant herein, moved the court by way of Summons for Confirmation of Grant dated 2nd October, 2020 premised on the following grounds:

a) That a grant of letters of administration issued to John Obingo Odongo on 8th July 2011 was revoked and a fresh grant was issued to her and was given leave of the court to apply for confirmation forthwith and after hearing of the application a grant was issued jointly to the applicant and Helena or Lena Amagove.

b) That there is no application pending under part III of the Law of Succession Act.

2. The application was opposed by the respondent on ground that the estate of the deceased ought to be distributed equally to all beneficiaries.

3. The ruling of this court dated 26th November, 2019 (Karanjah J) was clear on the issue raised herein by the respondent. The objector was held to be a stranger to the estate and therefore he lacks capacity to oppose the application herein. The issue is therefore *res judicata*. There being no other pending application, I allow the application for confirmation of grant. The applicant is given 60 days from the date of the ruling to render accounts. Failure to do so, the grant shall automatically stand revoked.

DELIVERED AND SIGNED AT HOMA BAY THIS 31ST DAY OF MARCH, 2022

KIARIE WAWERU KIARIE

JUDGE