



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Joseph Saya Wamondo (Deceased) (Succession Cause 31 of 2011) [2022] KEHC 11413 (KLR) (29 July 2022) (Ruling)

Neutral citation: [2022] KEHC 11413 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 31 OF 2011**

WM MUSYOKA, J

JULY 29, 2022

IN THE MATTER OF THE ESTATE OF JOSEPH SAYA WAMONDO(DECEASE D)

RULING

1. On June 18, 2021, I delivered a ruling herein where I declined to confirm the grant herein on grounds that the confirmation application dated January 25, 2016 was not supported by a consent in Form 37, and because the daughters of the deceased had not been disclosed.
2. The applicant administrator, Samuel Nandi Wamondo, has filed a supplementary affidavit, sworn on January 14, 2022. He discloses the daughters of the deceased; that is the late Frida Wafula, Julia Nechesa Lutomia, Florence Lumuru the late Mary Mikisi Matayo, Robai Siko John, Agneta Shikuku Mukhwana, Margaret Nderema Chihanda, Masitsa Wamondo, Rael Nyabola and Beatrice Khisa.
3. Seven of the said daughters have sworn affidavits to renounce their shares. All the affidavits were sworn on January 17, 2022. Those who have renounced their rights are Florence Lumuru, Robai Siko John, Agneta Shikuku Mukhwana, Rael Nyabola, Masitsa Wamondo, Beatrice Khisa and Julia Nechesa Lutomia.
4. I have re-looked at the record. I have noted that the sons, widow and the daughters in law of the deceased executed a consent in Form 37, on January 25, 2016, and the same was filed herein on February 1, 2016.
5. Consequently, I am now satisfied that the proviso to section 71(2) of *Law of Succession Act*, cap 160, Laws of Kenya, and Rule 40(4) of the *Probate and Administration Rules* have been complied with. I shall accordingly allow the application dated June 18, 2021. The grant is hereby confirmed. Estate to devolve as proposed.

RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 29TH DAY OF JULY 2022

WM MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.



Samuel Nandi Wamondo, the administrator, in person.

