



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Ezekiel Shinyabi Asila (Deceased) (Succession Cause  
132 of 2001) [2022] KEHC 13423 (KLR) (23 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13423 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
SUCCESSION CAUSE 132 OF 2001  
WM MUSYOKA, J  
SEPTEMBER 23, 2022**

**RULING**

1. The motion for determination is dated June 3, 2021. It seeks the setting aside of orders made on September 29, 2019, dismissing the confirmation application, dated July 24<sup>th</sup>, 2017, and the substitution of a dead administrator.
2. The application that was dismissed on September 29, 2019 is actually dated July 24, 2007, and had been filed on October 29, 2007. No reasons have been advanced for the failure to prosecute it between the date of its filing on October 29<sup>th</sup>, 2007 and the date of its dismissal on September 29, 2019. I see no reason why I should set aside the order of September 29, 2019. The parties shall have to file a fresh application for confirmation.
3. On the appointment of a new administrator to take the place of the departed administrator, it would appear that the parties are in agreement on that. I do not see why that plea should not be allowed. Let Vincent Asila Wilson take the place of the late Wilson A Lisasi as administrator. The grant on record issued, on June 26, 2001, shall be amended to reflect that change
4. The motion dated June 3, 2021 is disposed of in the terms proposed at paragraph 2 and 3 of this ruling. The matter shall be mentioned to confirm filing of a summons for confirmation of grant.
5. For the purpose of the record, this is one of the matters that I took over from F Amin J, on June 16, 2022. It was due for ruling on February 28, 2022.

**RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 23rd  
DAY OF SEPTEMBER 2022**

**WM MUSYOKA**

**JUDGE**

**Mr. Erick Zalo, Court Assistant**

**Vincent Asila, the applicant, in person.**



**Reuben Asila, the applicant, in person.**

