



REPUBLIC OF KENYA



**In re Estate of Late Felertinus Adimo Odera (Deceased) (Succession Cause 68 of 2022) [2022] KEHC 15549 (KLR) (18 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15549 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
SUCCESSION CAUSE 68 OF 2022  
RE ABURILI, J  
NOVEMBER 18, 2022**

**RULING**

1. This file was opened to host Bondo PM P&A E391/2021 for transfer to Madiany PM's court following the establishment and gazette of the latter court and as the subject matter and parties in the succession cause reside within the jurisdiction of Madiany court.
2. I however, observe that the death certificate no 449373 for Rakeen Odera Ombrose has different names from the person named as the deceased Felertinus Adimo Odera as per the petition filed in court and as per the chief's introductory letter dated April 23, 2020.
3. Furthermore, the search certificate for the sole immovable property being Siaya/Masala/290 dated February 28, 2018 shows that on December 1, 1995, the title was closed on subdivision. No doubt, that title to land does not exist and unscrupulous person can use a grant obtained erroneously for ulterior motives, to disturb the status quo left by the deceased himself since he was not survived by any wife or child, according to the chief's letter which letter does not say that the deceased had alias names.
4. I decline to transfer this file to Madiany law courts. I direct that the court at Bondo PM's court deals with this matter which was opened using death certificate that does not match the deceased's names in the petition and land documents and if possible, deal with the file from that end so that the petitioner can approach the court as appropriate in succession matters.
5. The original court file shall forthwith be returned to Bondo PM's court for necessary action. This file is closed.
6. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 18<sup>TH</sup> DAY OF NOVEMBER, 2022**

**R.E. ABURILI**

**JUDGE**

