

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CIVIL APPEAL NO. 7 OF 2019

IN THE MATTER OF THE ESTATE OF ZAKAYO OGOMA ONYANGO – (DECEASED)

BETWEEN

JOHN OMOLLO ANYANGO1ST APPELLANT

DANIEL ASILA ANYANGO.....2ND APPELLANT

VERSUS

TOPAS WANDAE ODERO.....1ST RESPONDENT

CONSOLATA ANYANGO2ND RESPONDENT

(Being an appeal from the Judgment/Decree from Siaya Principal Magistrate’s Court Case No. 36 of 2016, dated 24.7.2019, before Hon. J.O. Ong’ondo – Principal Magistrate)

RULING

1. This appeal was determined vide a judgment dated 24.7.2019 remitting the Succession Matter to the lower court for hearing and determination in accordance with the directions of the Court. The trial (Succession) Court then heard and determined the matter and the appellant is before this court seeking for orders setting aside the confirmation of the grant issued in Siaya Principal Magistrate’s Court Case No. 36 of 2016 on 17.9.2020, among other prayers.
2. This court is *functus officio*, having determined the appeal, it cannot entertain other proceedings freshly extracted from or emanating from proceedings in the lower court, other than a fresh appeal.
3. For the above reasons, the application, dated 18.12.2020 be and is hereby dismissed for want of jurisdiction.
4. Parties to bear their own costs.
5. The file is closed.

Dated, Signed and Delivered at Siaya this 26th day of January 2021

R. E. ABURILI

JUDGE