



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**SUCCESSION CAUSE NO. 473 OF 1996**

**IN THE MATTER OF THE ESTATE OF DAVID NYIKURI OLWIKI (DECEASED)**

**RULING**

1. The application that I am called upon to determine is the Motion, dated 19<sup>th</sup> July 2019. It essentially seeks conservatory orders pending hearing and determination of a pending summons for revocation of grant, dated 19<sup>th</sup> August 2014.
2. The grant herein was confirmed on 8<sup>th</sup> December 2010, and a certificate of confirmation of grant was duly issued, dated 21<sup>st</sup> December 2010. Transmission of the estate, apparently, did not happen in terms of the said certificate of confirmation of grant, and it would appear that it was the initiation of the revocation proceedings that threw a spanner into the works.
3. The summons for revocation of grant, dated 19<sup>th</sup> August 2014, was brought at the instance of individuals, who claimed to be a spouse and children of the deceased, who were left out of the succession proceedings. They accuse the administrator of selling estate property, even after confirmation, and of initiating the succession proceedings secretly, without involving them.
4. The revocation application was filed in 2014, and has been pending since. It is not clear to me why it has not been prosecuted. The parties should give it priority, instead of initiating these interlocutory proceedings which delay the matter further.
5. The orders that I feel constrained to make, are that the parties hereto are to move with dispatch and dispose of the pending revocation application. I shall allocate it a date for hearing, at the delivery of this ruling. In the meantime, the parties shall maintain *status quo* as at the date of this order.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 29TH DAY OF OCTOBER 2021**

**W MUSYOKA**

**JUDGE**