



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BUSIA**

**PROBATE & ADMINISTRATION NO.439 OF 2014**

**IN THE MATTER OF THE ESTATE OF:**

**MAKOKHA ONYANGO.....DECEASED**

**BETWEEN**

**1. JOYCE ADONGO ONYANGO.....1<sup>ST</sup> RESPONDENT**

**2. JULIANA NYONGESA OKEYO .....2<sup>ND</sup> RESPONDENT**

**AND**

**CHARLES OKWERO MAKOKHA.....OBJECTOR/APPLICANT**

**RULING**

1. The objector/applicant herein moved the court by way of summons for revocation or annulment of grant dated 12<sup>th</sup> June 2018 under section 76 of the Law of succession Act and Rule 44 of Probate and Succession Rules. He is seeking the following orders:

- a) That the grant of letters of administration issued to Joyce Odongo Onyango and Juliana Nyongesa Okeyo and confirmed on 19<sup>th</sup> July 2017 be revoked and or annulled.
- b) That the grant of letters of administration in respect of the estate be issued to Charles Okwero Makokha.
- c) That costs be provided for.

2. The application is premised on the following grounds:

- a) That the proceedings to obtain the grant were defective in substance;
- b) That the grant was made fraudulently by making a false statement or by concealment from court of material facts; and
- c) That the applicant is the son of the deceased and ranks higher in priority to the respondents.

3. The application was opposed on grounds that:

- a) The applicant did not have a valid Kenyan identity card;
- b) The respondents were appointed to hold in trust of all beneficiaries.

4. It has not been denied that the objector is a son of the deceased herein. The respondents have deponed that they are sisters of the deceased. The objector therefore ranks high in priority in respect of the estate of Makokha Onyango, the deceased herein as opposed to the respondents.

5. I am therefore revoking the grant that was confirmed on 19<sup>th</sup> July 2017.

6. I am appointing the objector a co-administrator with the respondents herein. The administrators are therefore ordered to file a proposal for

distribution of the estate within 30 days. Each party to meet own costs.

**DELIVERED and SIGNED at BUSIA this 20<sup>th</sup> day of February, 2020**

**KIARIE WAWERU KIARIE**

**JUDGE**