



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUSIA

PROBATE & ADMINISTRATION NO. 87 OF 2013

IN THE ESTATE OF:

MICHAEL DAMALA OKUMU.....DECEASED

BETWEEN

EMMANUEL ONYANGO OKUMU

JOHN DODO OKUMU.....PETITIONERS/ APPLICANTS

AND

VINCENT CHOMBE OKUKU.....OBJECTOR/RESPONDENT

RULING

1. Emmanuel Onyango Okumu and John Dodo Okumu, the petitioners/applicants herein filed an application dated 21st July 2015 for confirmation of the grant issued on 6th June 2014 under section 76 of the Law of Succession Act, Cap. 160 It is premised on the following grounds:

- a) That the objector was ordered to file a protest which he has failed to file to date.
- b) That the estate of the deceased ought to be shared equally between the three houses.
- c) That the objector's claim is not genuine and ought to be dismissed.

2. The application was opposed by the objector/respondent on grounds that land parcel number **BUNYALA/MUDEMBI/2081** was a joint proprietorship where he is entitled to ½ share.

3. I have perused the affidavits of both parties and the record. The following facts have emerged:

- a. That the copy of green card in respect of **BUNYALA/MUDEMBI/2081** indicates the proprietor as Michael Ogana also known as Michael Dalama Okumu
- b. That the deceased was the sole proprietor.

This therefore means that the objector's contention is not true. The objection is therefore dismissed with costs.

4. The petitioner is at liberty to take a date for confirmation of the grant.

DELIVERED and SIGNED at BUSIA this 26th day of February, 2019

KIARIE WAWERU KIARIE

JUDGE