



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISUMU
SUCCESSION CAUSE NO. 1173 OF 2014
IN THE MATTER OF THE ESTATE OF W A A
K A A.....APPLICANT
VERSUS
B O O.....RESPONDENT
DIRECTIONS

1. The deceased to whose Estate these proceedings relate died on 9th March, 2012 while domiciled in Kenya. Limited Grant of Letters of Administration Ad Litem Letters were issued to her widower B O O, (the Respondent), on 23rd January, 2015 for the purposes only for filing suit.
2. On 20th May, 2016, the respondent filed Kisumu Chief Magistrate's Civil Case No. 116 of 2015, on his own behalf and on behalf of the deceased's daughter R O A (the child), seeking damages arising out of the deceased's death.
3. By a ruling delivered on 27th June 2016, the High Court ruled that the ad litem grant shall issue to the person who shall be granted custody of the child in **Kisumu Children's Court Case No. 19 of 2015**.
- 4.. Subsequently, by a judgment delivered on 5th June 2017, the **Kisumu Children's Court Case No. 19 of 2015** dismissed **K A A's** (the applicant) suit seeking legal custody of the child and granted custody to Agape Children's Ministry.
5. When the parties' advocates appeared before me for directions on 4th December 2017, I directed the parties to file submissions for directions on the application for revocation of the grant issue to the respondent.
6. The respondent did not file submissions. The petitioner submitted that Agape Children's Ministry was reluctant to take up custody of the child and that the court had ordered the petitioner to have custody of the minor. The petitioner did not however annex any court order granting custody to him. There is no evidence that the Children's court in **Kisumu Children's Court Case No. 19 of 2015** had reviewed its orders of 5th June 2017.

Orders

Consequently, the court makes the following orders:

1. Until such a time when the orders issued in Kisumu Children's Court Case No. 19 of 2015 on 5th June 2017 are reviewed and/or set aside, the ad litem grant shall be issued to Agape Children's

Ministry to whom custody of the child was granted

2. Either party is at liberty to apply

DATED AND DELIVERED THIS 25th DAY OF *January* 2018

T. W. CHERERE

JUDGE

In the presence of:

Court Assistant - Felix

Applicant -

Respondents -