

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

SUCCESSION CAUSE NO. 333 OF 1995

IN THE MATTER OF THE ESTATE OF OSORO MATARA (DECEASED)

BETWEEN

PAUL MOSES OSORO

DANIEL OMEKA OSORO

PETER BOIT OSORO.....APPLICANTS

AND

JAMES NYANGARESI OSORO.....RESPONDENT

RULING

There is clear evidence from the County Land Registrar that the property known as KITUTU/BOMATARA/1620 was improperly and illegally transferred to third parties without a certificate of confirmation of grant issued by this court.

In light of section 45 as read with section 82 of the Law of Succession Act, the transfer with subsequent subdivisions are null and void. Accordingly, all subdivisions of WEST KITUTU/BOMATARA/1620 are hereby declared void and are cancelled.

The grant issued to James Nyangaresi Osoro is hereby revoked.

A grant shall now issue to Daniel Omeke Osoro and Albert Nyakundi Osoro are hereby appointed as administrators. They shall apply for confirmation within 30 days.

D.S MAJANJA

JUDGE

26/6/2018

[Ruling read and delivered in open Court]

D.S MAJANJA

JUDGE

26/6/2018