



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

SUCCESSION CAUSE NO. 533 OF 2012

IN THE MATTER OF THE ESTATE OF BENEDICTO AGULA MUNGATA

alias BENEDICTO MUNGATA.....(DECEASED)

MILDRED KHATIALA AKULA.....PETITIONER

AND

NANCY AKINYI LWAMBA.....OBJECTOR

GAITANO ANGOLIO ATEMA.....INTERESTED PARTY

RULING

The petitioner and the advocates for the objector have filed a consent dated 19th June, 2014 seeking for orders that:-

1. Grant of letters of administration intestate issued to the petitioner on the 1st October, 2012 be annulled and or revoked.
2. A fresh grant be issued in the joint names of the objector Nancy Akinyi Lwamba and the petitioner Mildred Khatiala Mula.

Subsequently an interested party, Gaitano Angolio Atema, had filed an application dated 23/8/2016 seeking for orders, inter alia, that the consent between the objector and the petitioner dated 19/6/2014 be declared unlawful and incapable of enforcement in law. The said application was dismissed by Mwita J in a ruling delivered on 27/2/2017.

The advocate for the objector **Phoebe Muleshe** is now requesting the court to adopt the consent and allow prayers No 3 and 4 in the summons for revocation of grant dated 24th June, 2014. The two prayers are :-

- (3).That title deed issued to Gitano Angolia Atema following orders confirming grant be cancelled.
- (4). That L.P No Kakamega/ Shitochi/804 to revert in the name of the deceased for fresh distribution.

Since the application for the interested party dated 23/8/2016 was dismissed, the court does hereby adopt the consent dated 19th June, 2014 and grants prayers 3 and 4 in the summons for revocation of grant dated 24th June, 2014.

Orders accordingly.

Delivered, dated and signed in open court at Kakamega this 22nd day of November, 2018

J. NJAGI

JUDGE

In the presence of

No appearancefor petitioner

No appearancefor respondent

Georgecourt assistant