



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT HOMA BAY
SUCCESSION CAUSE NO.388 OF 2014
FORMERLY OYUGIS SUCC. CAUSE NO.186 OF 2013
IN THE MATTER KOF THE ESTATE OF:
M O ODECEASED
AND
JOEL OJUNGA NJORE
JACKLINE ADHIAMBO ONYANGO.....APPLICANTS
FRED OTIENO SIDA
VERSUS
KENNEDY ODHIAMBO ONGIDI..... RESPONDENT
RULING

1. When **M O O** died on 12th February 2009, **KENNEDY ODHIAMBO ONGIDI** (Petitioner) applied for and obtained grant of letters of administration for his estate vide Oyugis Succession Cause No.186 of 2013.
2. He did so in his capacity as the purchaser of parcel **NO. [Particulars withheld]** which belonged to the deceased.
3. He presented a letter dated 08/08/2013 written by Chief **TOBIAS O. ADEDE** of **KOKWANYO** location who stated that before the deceased's demise, he was selling a portion of the aforementioned parcel measuring approximately 2-3 acres to the petitioner at a cost of Kshs.165,000/=.
4. Another letter dated 18/03/2015 written by the same Chief stated that **J A O** (a widow of the deceased) had three issues namely:-
 - **M A O 12 years**
 - **D O O 9 years**

- **E O O 4 years**

5. When Kennedy petitioned for confirmation of the grant, he proposed in the supporting affidavit that the estate be distributed as follows:-

- **KENNEDY ODHIAMBO ONGIDI – 1.44 Hectares**
- **J A O – 1.8 Hectares**

6. However later on **J A** and **FRED OSIDO** applied for revocation of the grant saying the same was fraudulently obtained.

7. At the hearing on 15/05/2017 by 11.45 a.m. the applicants had not turned up in court, and the petitioner urged the court to dismiss the application.

8. I have perused the application and the responses and I am of the view that it raises such pertinent issues to the extent that a dismissal will not resolve the dispute with finality. I therefore decline to dismiss the same but direct that the applicants meet the petitioner's costs for 15/05/17 and be paid before next hearing date.

9. The hearing shall be on 27/07/17.

Delivered and dated on this 29th day of June, 2017 at Homa Bay

H.A. OMONDI

JUDGE