



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BUSIA**

**SUCCESSION CAUSE NO. 397 OF 2013**

**IN THE MATTER OF THE ESTATE OF OLOKO MUNIKA.....DECEASED**

**AND**

**GEORGE ODUOR OLOKO.....APPLICANT/OBJECTOR**

**VERSUS**

**GABRIEL SIMALI WESONGA**

**THOMAS ODUODI SIMALI**

**MATHEW ODUORI SIMALI**

**MICHAEL SIMALI**

**MARGARET AWINO OSINGO**

**ROSE MAENDE SIMALI**

**MARY SIMALI**

**BONVENTURE CHESA.....RESPONDENTS**

**RULING**

1. Before this Court is Summons for Revocation or Annulment of Grant dated 14<sup>th</sup> August 2014 in which the Applicant seeks the following prayers:-

**a. That the grant of letters of administration in respect of the estate of OLOKO MUNIKA issued to HELENA OTSIENO SIMALI vide Busia SPM Succession Cause No. 81 of 1987 be revoked and annulled.**

**b. That the grant of letters of administration in respect of the estate of OLOKO MUNIKA be issued to the objector/Applicant.**

**c. That pursuant to prayer (a) above the register of land parcel number MARACHI/KINGANDOLE/1275 be rectified by striking off the name of HELENA OTSIENO SIMALI at entries No. 2, 3, & 4 dated 24.5.1989 and the distribution of parcel No. MARACHI/KINGANDOLE/1275 aforementioned amongst all persons**

**beneficially entitled thereto be determined through the cause hearing being succession cause No. 81 of 1987 currently registered as P & A No. 397 of 2013.**

**d. That costs of the proceedings be provided for.**

2. The Application is not opposed by the Respondents notwithstanding that they are all represented by Ipapu P. Jackson & Co. Advocates. But because the nature of the orders sought are drastic, I postpone the writing of this decision so as to confirm from Mr. Ipapu that he indeed represented all the Respondents. On 25<sup>th</sup> November 2015, Mr. Ipapu told Court.

**“I confirm that I represent all 8 Respondents and the Court can proceed to render its decision”.**

3. As the Application is not opposed, I would have no reason not to allow it. I allow it as prayed. But state that the orders shall not be used by the Applicant or any other person to change or affect the status quo on the ground. The orders shall not be used to threaten or evict or in any other way to interfere with the possession of any person who may be occupying or using Marachi/Kingandole/1275 at the time of delivery of this Ruling.

Dated, signed and delivered at Busia this 26<sup>th</sup> day of January 2016.

**F. TUIYOTT**

**J U D G E**

In the presence of :-

Orwasa- C/Assistant

Wanyama -for the Objector

Ipapu - for the Respondents