



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
SUCCESSION CAUSE NO. 89 OF 2014

IN THE MATTER OF THE ESTATE STEPHEN OMUSE NDUBI-----DECEASED

AND

GEORGE OKWARA OMUSA -----1ST APPLICANT

JOY SHIUNDU WESONGA-----2ND APPLICANT

VERSUS

PETER MUKWANA-----RESPONDENT

RULING

1. Stephen Omuse Ndubi (the Deceased) died Intestate on 7th June 1985. In these proceedings, Peter Mukhwana Opio (The Respondent) was granted the Letters of Administration to the Deceased's Estate on 27th June 2013.
2. In an Affidavit sworn on 3rd June 2015, and whose contents are not controverted, George Okwara Omusa (The 1st Applicant) now tells Court that he and Joy S. Wesonga had already, on 3rd February 2010, been issued with Letters of Administration Intestate to the Estate of the Deceased and that Grant confirmed on 16th September 2013 in Busia Succession Cause No. 233 of 2009. It is deponed that the 1st Applicant is the son to the Deceased and the 2nd Applicant a granddaughter. The Applicants are desirous that the Grant made to the Respondent be revoked.
3. That Summons of 3rd June 2015, is not opposed. And as earlier noted, the contents of the Affidavit of the Applicants are not challenged. I believe them as copies of The Grant and Certificate of Confirmation made in Busia Succession Cause NO. 233 of 2013 are annexed to Affidavit. This belief is fortified because I have seen the Originals in the Court file which I called for my perusal.
4. The Proceedings in Busia Succession Cause No. 233 of 2009 commenced on 17th August 2009. Grant therein was issued on 3rd February 2010. That would be over 2 years before the current proceedings were presented. Two Grants cannot be made in respect to one Deceased person. I therefore Revoke the latter one. If the Respondent is displeased with the Orders issued in Cause No. 233 of 2009, then he should challenge them in that Cause. The solution is not to commence and pursue parallel proceedings.
5. The Summons of 3rd June 2015 is allowed as prayed. Costs to the Applicants.

Dated, signed and delivered at Busia this 24th day of February 2016.

F. TUIYOTT

J U D G E

In the presence of:-

Orwasa - C/Clerk

Wanyama h/b for Jumba -.for the Applicants

Peter Mukwana (Respondent) present in person