

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

SUCCESSION CAUSE NO. 184 OF 2009

IN THE MATTER OF THE ESTATE OF OMUSUGU OBARA ANYANGA.....(DECEASED)

AND

PETER PANYAKO OMUSUGU.....PETITIONER

RULING

1. This Court is asked to consider and determine the Chamber Summons dated 4th June 2010 for the following prayers:-
 - a. **Grant of letters of Administration intestate issued on 5.10.2009 to Peter Panyako Omusugu be revoked and /or annulled.**
 - b. **All subsequent orders arising from and incidental to the said grant be nullified.**
 - c. **Costs be provided for.**
2. The evidence before Court is that each of the Applicants have brought this application on behalf of the Estate of their Deceased parents, Patrick Eمويت Barasa bring the Application on behalf of the Estate of Francis Barasa Omusugu (Deceased), Bisansio Etyang Ojuma on behalf of the Estate of Saferio Ojuma Omusugu (Deceased) and Christopher Omuse Odere on behalf of the Estate of Thomas Papa Omusugu(Deceased). But in doing so, they have not demonstrated to this Court that they are the Personal Representatives of those respective Estates. Even if they turn out to be the persons entitled to be the Administrators of those Estates, they do not for now have legal capacity to bring this application on behalf of the Estate. (see a string of Decisions including **Trouistik Union International & Another Vs Mbeyu & Another** [1993] KLR 230, **Christine Achieng Ogesa & another vs British American Asset Managers Limited** [2012] eKLR). The application is a non-starter and for striking out.
3. The Chamber Summons of 4th June 2010 hereby struck out with no order as to costs.

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

F. TUIYOTT

J U D G E

In the Presence of

Orwasa - C/Assistant

..... for Petitioner

.....for Objectors