

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

SUCCESSION CAUSE NO.268 OF 2010

IN THE MATTER OF THE ESTATE OF: EDWARD JOBUNGA OKUMU

AND

IN THE MATTER OF AN APPLICATION BY:

STEPHEN MIRUKA OKUMU

PHANUEL ONYANGO OKUMU

JACOB OTIENO JOBUNGA

FREDRICK ODHIAMBO JAGERO

AND

IN THE MATTER OF OBJECTION TO GRANT BY

MONICA ELIZABETH DONDE OCHIENG

TRUPHENA ODONGO OKONG'O

GRACE AKINYI ONYANGO

ZILPHA ATIENO RAO

R U L I N G

The court has perused the objection proceedings as well as the Notice of Motion dated 28th July 2015 both by the objectors. The court has further perused the able submissions by the respective advocates. The issues raised are weighty and cannot be determined by affidavits and submissions. In the premises I do order that the same be determined by way of viva voce evidence. The objectors shall be the plaintiffs and the respondents the defendants. The objectors affidavits shall be treated as plaint and the replying affidavits shall be the defence. Both parties shall be at liberty to file further documentary evidence if any.

Orders accordingly.

Dated. Signed and delivered this 23rd day of March 2016

H. K. CHEMITEI

J U D G E