



REPUBLIC OF KENYA

IN THE HIGH COURT

AT KISUMU

SUCCESSION CAUSE NO. 6 OF 2012

IN THE MATTER OF THE ESTATE OF

GEORGE OTIENO AYERE (DECEASED)

BETWEEN

ANJELINA HONO JUMA.....APPLICANT

AND

ALBERT DIBONDO IMBAYA.....PETITIONER/RESPONDENT

**RULING**

1. **George Otieno Ayere** died on 3<sup>rd</sup> May 2010. He died without a wife or child. **Albert Dibondo Imbaya** applied for the grant of letters of administration on the ground that he was a purchaser of his property known as **EAST UGENYA/KATHIENO 'A'/14** after the court granted him leave to do so. He subsequently issued with a grant of letters of administration on 7<sup>th</sup> June 2012. The same was confirmed on 7<sup>th</sup> May 2013 and a certificate issued accordingly with the result that he acquired the deceased's only asset **EAST UGENYA/KATHIENO 'A'/14**.

2. The application before the court is the summons for revocation of grant dated 23<sup>rd</sup> July 2012 by **ANJELINE HONO JUMA** claiming that she is the only surviving sibling of the deceased and that the petitioner failed to disclose this fact to the court. Moreover, she claims that she was not served with citation proceedings and as such the court should revoke the grant. She also claims that the petitioner has taken over the suit land and intends to evict her from it.

3. The summons was fixed by consent for hearing today 29<sup>th</sup> November 2016 by the advocates for the parties. Neither the petitioner nor his advocate turned up hence I directed that the matter to proceed.

4. **Angeline Hono Juma** told the court that her father **Otieno Ayere** and mother **Margarita Ogomba** had a total of nine children but only herself and George Otieno Ayere survived to adulthood. George died without a wife or children and left behind the land on which she has settled. On the basis of uncontested evidence I find that **Anjeline Hono Juma** is the only survivor to the deceased and accordingly under **section 66** of the *Law of Succession Act (Chapter 160 of the Laws of Kenya)* she is the person remaining in priority to administer the estate. I also note that since the summons for revocation was filed, the petitioner has not filed any replying affidavit.

5. I therefore revoke the grant issued to **Albert Dibondo Imbaya**. **Anjeline Ahono Juma** is hereby appointed the administrator of the deceased's estate. Further, all entries grounded on the grant issued to **Albert Dibondo Imbaya** in parcel **EAST UGENYA KATHIENO 'A'/14** are hereby set aside and the property shall revert to **GEORGE OTIENO AYERE**.

6. The administrator shall file and serve the application for confirmation within 30 days from today.

**DATED and DELIVERED at KISUMU this 24<sup>th</sup> day of November 2016**

**D. S. MAJANJA**

**JUDGE**

Ms Aron instructed by Okong'o, Wandago & Company Advocates for the applicant.

Ken Omolo & Company Advocates for the petitioner/respondent.