



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT HOMA BAY**  
**SUCCESSION CAUSE NO. 325 OF 2014**  
**Formerly Oyugis Succession No. 38 of 2013**  
**IN THE MATTER OF THE ESTATE OF**  
**AYOO OGUM (DECEASED)**

**BETWEEN**

**ZEDEKIAH ONYANGO AYOO .....OBJECTOR**

**AND**

**FLORAH APIYO OCHANDA ..... PETITIONER**

**RULING**

1. The applicant herein applied for confirmation of the grant of letters of administration issued to her in respect of the estate of **AYOO OGUM**. At the hearing of the application, **ZEDEKIAH ONYANGO AYOO**, objected to the grant being confirmed.
2. I heard the applicant and the objector and it transpired that Ayoo Ogum, the deceased, had two wives. Tabitha Abongo and Rebecca Ambuor who are both deceased. Tabitha Abongo had four children; Zedekiah Onyango Ayoo, Orpah Akeyo, Rusanil Akeyo and Hilda Anyango. Rebecca Ombuor had the following children; Richard Ochanda (deceased), Johnson Nyangore (deceased) and Damaris Aseko. Flora Apiyo is the wife of Richard Ochanda while Johnson Nyangore is survived by Peninah Ochieng and Jenifer Ajwang’.
3. It is apparent that the petitioner did not obtain the consent of all the survivors of the deceased. In form P & A5 she described herself as the widow of the deceased which is not true. Under **section 76(b)** of the **Law of Succession Act (Chapter 160 of the Laws of Kenya)**, the court may on application or on its own motion revoke a grant of representation on the ground that, “*the grant was obtained fraudulently by making a false statement or by the concealment from the court of something material to the case.*”
4. I therefore revoke the grant of letters of administration issued to Flora Apiyo Ochanda.
5. As the parties herein agree, I reissue the grant to **ZEDEKIAH ONYANGO AYOO** and **FLORA APIYO OCHANDA**.
6. They are at liberty to apply for confirmation.

**DATED and DELIVERED at HOMA BAY this 20<sup>th</sup> day of March 2015.**

**D.S. MAJANJA**

**JUDGE**

Ms Mimba instructed by H.O. Mimba and Company Advocates for the petitioner.

Mr Ojijo instructed by Asiani, Ojijo and Company Advocates for the applicant/objector.