

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MISC. APPLICATION NO.46 OF 2012

THOMAS ODHIAMBO WASUNA.....APPLICANT

AND

GRACE ATIENO ONYANGORESPONDENT

J U D G M E N T

The application dated 20.2.12 prays for revocation of the grant of letters of administration issued and confirmed on 22.9.12 to GRACE ATIENO ONYANGO. The same is supported by the affidavit of THOMAS ODHIAMBO WASUNA sworn on 23.2.12. Substantially the applicant depones that they were not consulted during the confirmation exercise and further that the subject parcel of land KISUMU/KARATENG/939 exceeded the monetary jurisdiction of the Maseno Court.

The respondent did file a home made reply indicating that there has been dispute between the applicant and other family members and that the applicant has been a trouble shooter in the family.

I have perused the application together with the supporting affidavits and the annexures. Its clear that no consent was obtained from the beneficiaries mentioned in the chiefs letter dated 28.5.10 as well as P&A form No,5 when the grant was being confirmed. More importantly the subject value of the parcel of land afore stated exceeds the monetary jurisdiction of the court at Maseno.

Consequently and in light of the above two basic reasons I make the following orders:

(a) The grant issued and confirmed at Maseno PM's Court succession cause No.22/10 together with consequential orders is hereby set aside.

(b) The Maseno succession cause file No.22/10 is hereby transferred to Kisumu High court for determination.

(c) Upon order (b) being undertaken the parties be at liberty to apply.

(d) Each party to bear their own costs.

Dated, signed and delivered this 16th day of November 2015.

H. K. CHEMITEI

J U D G E