

IN THE HIGH COURT AT MIGORI

SUCCESSION CAUSE NO. 530 OF 2014

IN THE MATTER OF THE

ESTATE OF TOM MBUYA OMOLLO (DECEASED)

BETWEEN

JAMES ONYANGO OMOLLO APPLICANT

AND

GEORGE OBUYA RESPONDENT

RULING

1. I have considered the matter before the court and it is an application for the revocation of the grant issued to **GEORGE OBUYA OWUOR** on 25th March 2010 in the *Rongo Senior Resident Magistrates Court Succession Cause No. 15 of 2009* in respect of the estate of **TOM MBUYA OMOLLO** who died 13th November 2006. His claim to the estate was that he was the nephew to the deceased. He applied for confirmation of the grant and the subject property **KAMAGAMBO/KOBUORO 3998 and 3999** was given to him absolutely.
2. It is now apparent that he did not disclose the fact that the deceased had three minor children; **FREDRICK OMOLLO MBUYA, MAURICE OPIYO MBUYA and CHARLES OOKO JUMA** who are the only survivors of the deceased. The other persons named by him like nephews and buyers are not survivors of the deceased are not entitled to the estate by virtue of **Part V** of the *Law of Succession Act (Chapter 160 of the Laws of Kenya)*. It is also apparent that the grant was issued to one administrator yet there are minor beneficiaries contrary to **section 58** of the *Law of Succession Act*.
3. I therefore find sufficient grounds under **section 76(a) and (b)** of the *Law of Succession Act* to revoke the grant issued on 25th March 2010 and confirmed on 16th July 2010 in *Rongo Succession Cause No. 15 of 2009*.
4. Following the revocation, the said **GEORGE OBUYA OWUOR** is hereby summoned to this court on 21st November 2014 to account for the estate of the deceased.

DATED and DELIVERED at MIGORI this 18th day of November 2014.

D.S. MAJANJA

JUDGE

Mr Owade instructed by Owade and Company Advocates for the applicant.