



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**SUCCESSION NO. 552 OF 2007**

**IN THE MATTER OF THE ESTATE OF PHILIP ODERA  
OWI.....DECEASED**

**AND**

**IN THE MATTER OF A PETITION BY: MARGARET ANYANGO ODERA**

**& ALBERT ODHIAMBO OWI**

**AND**

**IN THE MATTER OF APPLICATION BY: PETER OCHOLA  
ODERA.....INTERESTED PARTY/APPLICANT**

**R U L I N G**

The application dated 5-3-2014 though earlier on ordered that it provides by way of written submissions this court is of the considered opinion that it cannot be disposed by this method.

The issues raised are weighty and in particular whether the objectors/applicants are indeed the children to the deceased. This question can only be decided by way of oral evidence.

In the premises I do order that the same be heard by way of *viva voce* evidence. The objectors shall be the plaintiffs and the respondent the defendants.

Orders accordingly.

**Dated, signed and delivered at Kisumu this 17th day of November, 2014.**

**H.K. CHEMITEI**

**JUDGE**