



REPUBLIC OF KENYA

High Court at Kisumu

Succession Cause 665 of 2007

IN THE MATTER OF THE ESTATE OF THE LATE

VITALIS NG'ONGA MADIGODECEASED

AND

IN THE MATTER OF AN APPLICTAION BY: LEONARD ODINDI NG'ONGA

.....PETITIONER /RESPONDENT

AND

IN THE MATTER OF AN APPLICTAION FOR REVOCATION OR

ANNULMENT OF GRANT BY: CHARLES ODUGA NG'ONGA.....APPLICANT

RULING

The applicant's application dated 23rd October 2012 prays that the grant confirmed and issued to the petitioner herein on 15th February 2011 be revoked and that restrictions be placed in parcels No. Siaya / Ojwando/ "A" 565, A 627, A 641, B2 / 370, A 712 and B2 368.

The application supporting affidavit shows that the deceased left behind 13 other beneficiaries who included three (3) widows. He depones that the petitioner did not disclose this to the court when applying for this succession proceedings.

I have perused the entire application as well as the attached letter from the area Chief. I also note that the petitioner/respondent was served on 17th December 2012 by one **David Elvis Ochieng**.

The affidavit of service dated 17th December 2012 by the said process server shows that the appellatant was duly served.

In the premises and in the absence of any contrary objection to the application dated 23rd October 2012 the same is allowed as prayed with costs to the applicant.

Dated, signed and delivered at Kisumu this 25th day of April, 2013.

H.K. CHEMITEI

JUDGE

In the presence of:

.....for the applicant

.....for the respondent

HKC/aao