



REPUBLIC OF KENYA
IN THE HIGH COURT
AT NAIROBI
MILIMANI LAW COURTS
Succession Cause 298 of 2010

IN THE MATTER OF THE ESTATE OF JOHN ROBERT ONYANGO OKELLO –(DECEASED)

RULING

On 23rd March 2012 I ordered the applicant in the Summons of Confirmation of Grant, filed on 14th March 2012, to file documentary evidence to prove the ownership, by the deceased, of the various properties listed for distribution therein.

On 5th April 2012 a further affidavit annexing various documents was filed of which copies of certificates of leases bearing the names(s) of the deceased, (albeit some names are in abbreviated form) were filed as follows:-

1. NAKURU/LANGALANGA/220
2. NAIROBI/BLOCK 78/856
3. KISUMU/KANYAWEGI/345
4. KISUMU/KANYAWEGI/7999
5. KISUMU/KANYAWEGI/2979
6. KISUMU/KANYAWEGI/7094
7. KISUMU/KANYAWEGI/7089
8. KISUMU/KANYAWEGI/9017
9. KISUMU/KANYAWEGI/7095
10. KISUMU/KANYAWEGI/205

Apart from the above properties the bulk of the immovable assets named as belonging to the estate are either agricultural land whose transactions were subject to land control board or parcels of land whereby

the deceased had entered into sale agreements with various owners. There is nothing placed before court to show that the respect sale transactions were completed as per the agreements and/or conditions set for completion.

I am therefore not satisfied that the applicant has proved ownership by the deceased of all the immovable assets without supporting title documents. Not being satisfied, therefore, that the above non-supported assets do form part of the deceased's free property as defined in Section 3 of the Succession Act, I am unable to confirm the Grant as sought.

I refuse to confirm the grant at this stage and direct that the administrators do comply with the provisions of Section 82(e) and (h) of the Act. They shall thereafter more the court as appropriate.

Orders accordingly.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF JUNE, 2012.

M.G. MUGO
JUDGE

In the presence of :

Miss Ibrahim for the applicant.