



**REPUBLIC OF KENYA**

**High Court at Kakamega**

**Succession Cause 289 of 2011**

**IN THE MATTER OF THE ESTATE OF JACOB MUHAYA MUKAFWA – DECEASED**

**AND**

**CHARLES MUKAFWA MUWAYA ..... OBJECTOR/APPLICANT**

**VERSUS**

**EUNICE BARASA MUHAYA ...1<sup>ST</sup> PETITIONER/ RESPONDENT**

**JOSEPH MARTIN MUHAYA ... 2<sup>ND</sup> PETITIONER/RESPONDENT**

**R U L I N G**

The applicant, **CHARLES MUKAFWA MUHAYA**, has applied through the Summons for Revocation and annulment of grant dated 8.5.2012 that the Grant of Letters of Administration made to the Respondents herein be revoked.

The application is supported by the affidavit sworn by the applicant on 8.5.12. According to the said affidavit, the grant of letters of Administration was obtained fraudulently through non disclosure of the fact that the applicant is the biological son of the deceased and a beneficiary of the estate of the deceased.

In opposition to the application the 1<sup>st</sup> Respondent, **EUNICE BARASA MUHAYA** swore an affidavit filed in court on 20.6.2012. The respondent's contention is that she followed the due process and that the applicant's name appears in the Chief's letter and the form P & A 5.

I have perused the file. I find as a matter of fact that the applicant's name is reflected in the Chief's letter dated 21.4.11. The applicant's name is also reflected in form P & A 5.

The allegations by the applicant are baseless and his application is hereby dismissed with costs.

The Notice of Motion application filed on 5.12.2004 prays for the correction of names of the petitioners to tally with the names in their National Identity Cards.

The application is supported by the affidavit of the 1<sup>st</sup> applicant **EUNICE BARAZA MWAYA**. No affidavit was filed in reply to the said application. However, during the hearing of the application the objector **CHARLES MUKAFWA** stated that the names should not be corrected due to family problems. That Objection is also baseless. There are no good reasons why the errors in the name reflected in the grant of letters of Administration should not be corrected. The application for correction of names is allowed with costs in the cause.

***Delivered, date and signed at Kakamega this 11<sup>TH</sup> day of October, 2012***

**B. THURANINA JADEN**

**JUDGE**