

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT BUNGOMA

Prob & Admin 68 of 2003

KUNDU WACHABA.....DECEASED

AND

SHADRACK WESUTILA.....PETITIONER

RULING

The petitioner herein, Shadrack Wesutila, made an application for the grant of letters of administration intestate which was granted on 9.11.2006.

Subsequently, he applied for the confirmation of grant. When the application came before me, I became suspicious as the applicant was not answering questions put to him by the court as regards beneficiaries straight. I then summoned the Chief of Sirisia Location, Joseph Manduh Soita, who clarified that the deceased left behind one child by the name Eunice Nangekhe Kunyu.

On perusal of the application, I noticed that the name of Eunice Nangekhe Kunyu was not included as a beneficiary yet she is the only surviving child.

I ordered the chief aforesaid to trace Eunice Nengekhe Kunyu who confirmed on oath that she is the only surviving child of the deceased. That she was not aware that the petitioner had made an application for grant of letters of administration intestate and that the applicant had sold the parcel of land.

Against that background, I am persuaded that this grant should not only be confirmed but revoked as well.

Accordingly, I revoke the grant dated 9th November 2004 *suo-moto* in exercise of my inherent powers. I order that Eunice Nangekhe Kunyu and Penina Nambuye, the mother, to proceed and apply for letters of administration jointly.

DATED and DELIVERED at Bungoma this 8th day of November 2006.

N.R.O. OMBIJA

JUDGE