



REPUBLIC OF KENYA



In re Estate of Omuholo Wamukoya (Deceased) (Succession Cause 189 of 2016) [2025] KEHC 3717 (KLR) (20 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3717 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 189 OF 2016
SC CHIRCHIR, J
MARCH 20, 2025**

IN THE MATTER OF THE ESTATE OF OMUHOLO WAMUKOYA (DECEASED)

BETWEEN

ROSEMARY AWINO OCHIENG PETITIONER

AND

PETRO OKUSIMBA OCHIENG 1ST OBJECTOR

ROSEMARY ANYANGO OLAYO 2ND OBJECTOR

RULING

1. The Applicants herein seek for a fresh grant of letters of administration. The Application is made pursuant to the orders of this court made on 4th February, 2022.
2. The Application is supported by the affidavit of Rosemary Anyango Olayo and Petro Okusimba Ochieng and is based on the following grounds:
 - a. That the applicants are the grandchildren of the deceased herein and hence beneficiaries of his estate
 - b. That at the time the deceased died he had two children: Dismas Ochieng Omuholo and Mika Amwayi Omuholo who are both deceased.
 - c. That this honorable court ordered that the grant issued to the petitioner be nullified and two new administrators be appointed on behalf of the two children of the deceased.
 - d. That it is only in order that the applicants be appointed as administrators to complete transmission of the estate.
 - e. That it is in the interest of justice that the orders sought be granted.



3. The application is not opposed.

Analysis and determination

4. When the matter came up for the hearing on 24th July, 2023, the court directed that the matter be canvassed by way of written submissions
5. The applicants vide their submission dated 10th November, 2023 submitted that the application is in compliance with the orders issued by Justice W. Musyoka on 4th February, 2022. That based on the chief's letter dated 27th June, 2023, they have satisfied the criteria required to be appointed as Administrators of the deceased's Estate.
6. I have carefully considered the application, the affidavit in support and the evidence on record.
7. In the said ruling the court directed as follows “...fresh Administrators, excluding Rosemary Awino Ochieng be appointed from the survivors of the late Omuholo Wamukoya from the families of his late sons, Dismas Ochieng Muholo and Mika Amwayi Muholo, one to represent the family of each son.”
8. The Applicants have stated that they are the grand children of the deceased herein representing their parents who have also passed on. The court had directed family to get new Administrators , with aspecific order excluding Rosemary Awino Ochieng. I have seen a letter from the chief of Marama south Location dated 27/06/2023 indicating that the two Applicants have been appointed by the extended family of the deceased and that each of them represents each of the two sons of the deceased.
9. The Application is unopposed ,and am satisfied that based on the material before me, the two are representative of the families and are therefore qualified to be appointed as Administrators.
10. Consequently:
 - a) Peter Okusimba Ochieng and Rosemary Anyango Olayo are hereby appointed as Administrators of the estate of Dismas Ochieng Muholo alias Omuholo Wamukoya, and a fresh Grant to issue forthwith.
 - b) The new Administrators to file summons for confirmation of Grant within 45 days from the date of this Ruling.

DATED , SIGNED AND DELIVERED VIRTUALLY THIS 20TH DAY OF MARCH 2025.

S. Chirchir.

Judge.

In the presence of :

Godwin Luyundi- Court Assistant

