



REPUBLIC OF KENYA



**In re Estate of Henry Eshitemi Ingutia (Deceased) (Succession Cause
314 of 1993) [2025] KEHC 4334 (KLR) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4334 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 314 OF 1993**

AC BETT, J

APRIL 3, 2025

BETWEEN

RAYDON AKALA MUKHWANA 1ST PETITIONER

MESHACK SHAMALA MASINDE 2ND PETITIONER

AND

HABIL MUKHWANA ESHITEMI 1ST OBJECTOR

JOSEPHAT SHIKOLI BWETETE 2ND OBJECTOR

ABIGAE ANUPI MUKHWANA 3RD OBJECTOR

RULING

1. The Respondent, Meschack Shamala Masinde was issued with Grant of Letters of Administration herein which was confirmed on 17th January 1994. Pursuant to the confirmation, the Respondent secured title to LR No Butsotso/bukura/1125 which was the sole asset of the estate of the deceased and caused it to be transferred to his name on transmission.
2. By a ruling dated 27th October 2009, the Grant was revoked and a fresh Grant issued in the joint names of the Objector Habil Mukhwana and his sister Phyllis Mutanda. The court further ordered that LR No Butsotso/bukura/1125 remains in the name of the Respondent but directed that the prohibitory orders registered against the title remain in force pending an application for confirmation of Grant. In order to facilitate the Summons for Confirmation of Grant for purposes of expeditious disposal of this cause, I hereby order that the Land Registrar do cancel the entries in the register so that the title reverts to the name of the deceased.

Further mention for directions on 9th July 2025.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 3RD DAY OF APRIL 2025.



A. C. BETT

JUDGE

In the presence of:

Ms. Rauto for the 2nd Petitioner

1st Petitioner present in person

Mr. Indimuli for the 1st Objector

Mr. Songa for 2nd Objector

Court Assistant: Polycap

