



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Elkana Owuor Otoo (Deceased) (Succession Cause
1399 of 2014) [2025] KEHC 7884 (KLR) (26 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7884 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 1399 OF 2014**

A MABEYA, J

MAY 26, 2025

IN THE MATTER OF THE ESTATE OF ELKANA OWUOR OTOO (DECEASED)

AND

**IN THE MATTER OF APPLICATION BY MARGARET ACHIENG OKENYU,
AGNES WERE OGUTU AND MARGARET ADHIAMBO OWINO – PETITIONERS**

RULING

1. The late Elkana Owuor Otoo died intestate at Kisumu on 14/12/1982. He left behind Margaret Achieng Okenyu, Agnes Were Ogutu (daughters in-law) and Margaret Adhiambo Owino, a biological daughter.
2. Several properties seem to have been registered in his name as follows: -
 - i. Kisumu/Kanyawegi/3511
 - ii. Kisumu/Kanyawegi/4531
 - iii. Kisumu/Kanyawegi/5334
 - iv. Kisumu/Kanyawegi/5380
 - v. Kisumu/Kanyawegi/3552
3. Although Kisumu/Kanyawegi/3511 was on 11/11/2016 transferred to John Odiko Agak and Lydia Awuor Omondi by Margaret Achieng Okenyu and Agnes Were Ogutu as the administrators, the sale, transfer and title were revoked by an order made on 29/3/2023 by Shariff J. The Court also revoked title No. Kisumu/Kanyawegi/4531.
4. In making those revocations, the Court directed that the titles revert back to the estate of the deceased. It also revoked the grant hitherto issued to Margaret Achieng Okenyu and Agnes Were Ogutu confirmed on 1/7/2015 and issued a fresh grant to Margaret Adhiambo Owino together with Margaret Achieng Okenyu and Agnes Were Ogutu respectively. It ordered that a fresh application for confirmation be lodged.



5. Pursuant thereto, an application dated 29/4/2024 for confirmation of grant was lodged. That application came up for hearing on 26/5/2024 when it was adjourned to 4/6/2025.
6. I have seen the record. I have heard the testimony of the Administrator Margaret Adhiambo Owino. I have also considered the agreement of all the beneficiaries who attended Court today and identified themselves with their National ID Cards.
7. I am satisfied that the Summons for confirmation is merited. Accordingly, I allow the same in terms of Paragraph 4 of the Supporting Affidavit of George Otieno Kweyu sworn on 1/4/2025.
8. The 5th property Kisumu/Kanyawegi/3552 is hereby struck out in view of the testimony of the Administrator and the official search dated 3/6/2025. The administration be completed within 6 months.
9. File closed.

It is so ordered.

DATED, AND DELIVERED AT KISUMU THIS 26TH DAY OF MAY, 2025.

A. MABEYA, FCI Arb

JUDGE

