



REPUBLIC OF KENYA



**In re Estate of william Lucas Okech (Deceased) (Probate & Administration  
2249 of 2009) [2025] KEHC 6635 (KLR) (Family) (23 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6635 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**PROBATE & ADMINISTRATION 2249 OF 2009**

**H NAMISI, J**

**MAY 23, 2025**

**IN THE MATTER OF THE ESTATE OF WILLIAM LUCAS OKECH (DECEASED)**

**IN THE MATTER OF**

**PATRICK OMONDI OKECH ..... ADMINISTRATOR**

**RULING**

1. The Deceased herein passed away on 19 September 2006. Letters of Administration were issued to Deborah Amiru (now Deceased) and Patrick Omondi Okech. The said Letters were subsequently confirmed on 23 February 2015.
2. The Administrator then filed Summons for Rectification of Grant dated 1 October 2024 seeking to rectify the Grant by including one property that had been omitted, namely Kisumu Migosi Plot No 398. In the Affidavit sworn in support thereof, the Administrator proposes that upon inclusion in the estate, the said property should be bequeathed to one Bramwel Ochieng Omondi.
3. When the Application came up for hearing, it became obvious that some Beneficiaries were opposed to the mode of distribution of the additional asset. In particular, the Application was opposed by Sebastian Onyango Okech, Lucas Okech Opondo, William Okech Onyango. Laverne Felly Okech and Esther Akinyi Okech, who did not append their signatures to the consent dated 8 November 2024.
4. Sebastian Onyango Okech, William Okech Onyango and Esther Akinyi Okech filed a Joint Affidavit dated 8 November 2024 opposing the proposed mode of distribution. They proposed that the said property should be given to the children of their elder sister, Maria Adhiambo, since her family did not get any property when the Grant was confirmed in 2015.
5. Maurice Opondo Okech, an elder brother, swore an Affidavit supporting the Summons by the Administrator/Applicant.



6. Parties filed their respective submissions. The Applicant's submissions are dated 13 December 2024, while the Respondents' submissions (on behalf of Sebastian Onyango Okech, William Oketch Onyango and Esther Mercy Akinyi Okech) are dated 25 February 2025.
7. In an interesting turn, another Consent dated 7 February 2025 was filed. The only persons who have not executed the same are William Okech Onyango, Laverne Felly Okech and Esther Akinyi Okech.
8. The Respondents submit that if the Court is inclined to distribute the property in its inherent jurisdiction, then the property should be distributed to all children of the Deceased in equal shares, since all Beneficiaries are not able to agree on the mode.
9. I note that at paragraph 8 of their Joint Affidavit, the Respondents confirm that the Deceased had 7 children. In the Petition for Letters of Administration, the beneficiaries of the estate (the children) are listed as: Maurice Opondo, Sebastian Onyango, Gabriel Otieno, Patrick Omondi, George Odhiambo, Geoffrey Ouma and Esther Aoko. It is noteworthy that neither William Okech Onyango, Laverne Felly Okech or Esther Akinyi Okech, the three persons opposed to the mode distribution, are children of the Deceased. In fact, when Counsel for the Applicant appeared in Court on 26 February 2025, she informed the Court that the amended consent had been filed, and the dispute was now between the Applicant and the grandchildren.
10. I have keenly read through the records and have not been able to find any mention of Maria Adhiambo (Deceased). Neither the letter dated 6 November 2008 from the Chief, Yala Township Location nor the letter dated 12 March 2009 from the Assistant Chief, Sauri Sub-Location mention the said person. That being the case, the Respondent's proposal to distribute the property to the unknown person is not viable.
11. Noting that the immediate children of the Deceased have all consented to the proposed distribution, I allow the Summons dated 1 October 2024.

**DATED AND DELIVERED AT NAIROBI THIS 23 DAY OF MAY 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

Mr. Nguyai .....for the Applicant

Libertine Achieng.....Court Assistant

