



REPUBLIC OF KENYA



**In re Estate of Boniface Okello Okumu (Deceased) (Succession Cause
288 of 2009) [2025] KEHC 10583 (KLR) (18 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10583 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
SUCCESSION CAUSE 288 OF 2009**

WM MUSYOKA, J

JULY 18, 2025

IN THE MATTER OF THE ESTATE OF BONIFACE OKELLO OKUMU (DECEASED)

RULING

1. On 25th April 2025, I delivered a ruling, wherein I okayed survey works carried out by a Government Surveyor, to facilitate distribution of the estate herein, as I was satisfied that the partition proposed by the Government Surveyor, in his drawings, accorded, largely, with the distribution orders made on 13th October 2022. In the end, I fixed the matter for mention, on 28th October 2025, to confirm distribution of the estate, as per the orders of 13th October 2022, after which the administration may be declared completed, and this file closed.
2. The 2nd administrator, Stephen Egesa Okello, who is also a beneficiary of the estate, has come back to court, vide an application, dated 19th May 2025, seeking revocation of the grant and certificate of confirmation of grant of 15th December 2022, and the making up of a fresh grant and a fresh certificate of confirmation of grant. The grounds are that his co-administrator has refused to cooperate, which has stalled the process of distribution of the estate.
3. The said co-administrator, Odero Okello, has replied. His affidavit was sworn on 16th June 2025. He indicates that he is not co-operating, as he is aggrieved by the ruling of 25th April 2025, and that he wishes to appeal against it. He has attached a notice of appeal, dated 13th May 2025. He argues that he has not, therefore, deliberately refused to sign documents to facilitate distribution.
4. In my ruling of 25th April 2025, I granted leave to appeal, to whoever would be aggrieved by the ruling. The respondent is aggrieved. He is within his rights to be so aggrieved. He is in the process of exercising his right of appeal. The process of distribution should not be rushed, before my decision, of 25th April 2025, is considered by the expanded panel of Judges at the Court of Appeal.
5. This is not an appropriate case for revocation of grant. I shall accordingly dismiss the application, dated 19th May 2025, with no order on costs.
6. In the ruling of 25th April 2025, I allocated 28th October 2025 for mention to confirm distribution, and to wind up the administration. Let that date remain, but for the purpose of determining how far



the respondent, Odero Okello, has gone with his appeal. Further directions shall be given, depending on the progress.

DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, ON THIS 18TH DAY OF JULY 2025.

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Alex Amasakha, instructed by Amasakha & Company, Advocates for the applicants.

Messrs. Nandwa & Company, Advocates for Odero Okello.

