



In re Estate of Jackson Momanyi Omwenga (Deceased) (Succession Cause 31 of 2010) [2024] KEHC 1143 (KLR) (9 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1143 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 31 OF 2010
SM MOHOCHI, J
FEBRUARY 9, 2024
PUBLIC TRUSTEE ADMINISTRATION CAUSE NO. 360 OF 2007
IN THE MATTER OF JACKSON MOMANYI OMWENGA (DECEASED)**

**IN THE MATTER OF
TERESA NYABOKE MOMANYI APPLICANT**

RULING

1. Before me is an Applications dated 14th February 2023, a Summons for Review and amendment of grant filed by Teresa Nyaboke Momanyi pursuant to Section 74 of the Laws of Succession Act and all enabling Provisions of the law where she prays for the following reliefs;
 - i. That, the Court be pleased to review and amendment of the Grant of Probate of Letters of Administration made to Public Trustee Of Kenya by the on the 7th day of October, 2018 and the distribution of the deceased's estate.
 - ii. That the application is for amendment of Grant of Confirmation by removing the Public Trustee and replacing the same with Teresa Nyaboke Momanyi (widow), AND also include parcel of land Molo South/ Ikumbi Block 4/334(Getich) omitted
 - iii. The Mode of distribution is as follows



Molo South/ Ikumbi Block 4/334 (geticha)	Joseph Kiplangat Rotich	Whole Share
Molo South/Ikumbi Block 4/257 (kamwaura)	Teresa Nyaboke Momanyi, Seth Omwenga Momanyi, Dorcas Moraa Momanyi, Joshua Onkoba Momanyi, Everlne Nyatichi Momanyi, Villah Momanyi, Grace Momanyi.	Whole Share
Molo South/Ikumbi Block 4/333(Geticha)	Teresa Nyaboke Momanyi & Joshua Onkoba Momanyi	Whole Share
Equity Bank SavingS KSH.35,640/45	Teresa Nyaboke Momanyi	Whole Share
National Bank Of Kenya Ltd Shares	Teresa Nyaboke Momanyi	Whole Share
British American Insurance Co.(k) Ltd Policy	Teresa Nyaboke Momanyi	Whole Share

2. The Application came up before court on the 28th March 2023 where the Applicant was directed to served the motion upon the Public Trustees and file a return of service.
3. The Application was served upon the public trustees on the 2nd June 2023 and have ever since failed and or refused to appear and either oppose or support the motion. By the 26th September 2023 the Public Trustees were yet to file a response to the motion and the court accordingly fixed the same for a ruling.
4. Upon reading the entire Summons for Review and amendment of grant dated 14th February 2023 together with the supporting Affidavit of Teresa Nyaboke Momanyi and hearing Mr Geke Advocate I am inclined to allow the Application for being of merit and being uncontested.
5. This court thus allows the motion in terms of prayers (1),(2), and (3) on the summons.
6. Teresa Nyaboke Momanyi shall be expected to conclude the distribution of the estate of the deceased within six (6) months from today.
7. I shall fix a mention date after six months on the 9th July 2024 to confirm conclusion of the distribution and mark the succession as settled.

It is so Ordered

DATED, SIGNED AND DELIVERED AT NAKURU ON THIS DAY OF 9TH DAY OF FEBRUARY, 2024.



S. MOHOCHI
JUDGE

