



REPUBLIC OF KENYA



**In re Estate of Onyando Omer (Deceased) (Succession Cause  
E007 of 2023) [2024] KEHC 2395 (KLR) (6 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2395 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE E007 OF 2023**

**RE ABURILI, J**

**MARCH 6, 2024**

**IN THE MATTER OF THE ESTATE OF ONYANDO OMER (DECEASED)  
AND  
IN THE MATTER OF APPLICATION BY THOMAS OCHIENG' OMER – APPLICANT**

**RULING**

1. On 5<sup>th</sup> July 2023, Hon. M. S. Shariff J. of High Court 2 declined to issue a grant on account that the Petitioner and beneficiaries as listed described themselves as sons of the deceased Onyando Omer, instead of grandsons.
2. The learned Judge is indisposed and away this week. The matter has come to me as duty Judge and it is now clear that the Petitioner has rectified that position by obtaining a fresh letter of introduction from the Chief dated 31<sup>st</sup> October 2023 and the Gazette Notice dated 26<sup>th</sup> January 2024 vide Volume CXXVI No. 10 shows that the Petitioner is now as gazetted, described as grandson of the deceased.
3. As there is no objection to making of grant and 60 days have since lapsed from 26<sup>th</sup> January 2024, I hereby allow the application dated 4<sup>th</sup> March 2024 and issue grant of letters of administration intestate to the Petitioner Thomas Ochieng Omer to administer the estate of the late Onyando Omer.
4. Having done so, I observe that there is no evidence that the two listed parcels of land of the estate exceed twenty million Kenya Shillings.
5. For the above reasons, I hereby order that upon signing of the grant, this file be transferred to the Chief Magistrate's Court at Kisumu for purposes of hearing on confirmation/distribution of the estate.
6. The Petitioner shall file summons for confirmation of grant within six (6) months of today before the Chief Magistrate's Court, listing all the assets of the estate and identifying all beneficiaries of the estate and their respective shares in the estate.
7. This file is accordingly closed. The petitioner's counsel to be notified of this ruling.
8. Ruling to be typed.



9. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 6<sup>TH</sup> DAY OF MARCH, 2024**

**R. E. ABURILI**

**JUDGE**

