



In re Estate of Joan Achieng Otieno (Deceased) (Succession Cause 44 of 2009) [2024] KEHC 2146 (KLR) (5 March 2024) (Ruling)

Neutral citation: [2024] KEHC 2146 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 44 OF 2009
RE ABURILI, J
MARCH 5, 2024**

**IN THE MATTER OF THE ESTATE OF JOAN ACHIENG OTIENO – DECEASED
AND
IN THE MATTER OF AN APPLICATION BY MOSES
ABUNGU AMOKO.....PETITIONER**

RULING

1. On 22nd April 2009, the court issued a grant of letters of Administration Intestate of the estate of the late Joan Achieng Otieno to Moses Abungu Amoko.
2. That grant was never confirmed.
3. Vide summons for confirmation of grant dated 6th March 2023, the Petitioner filed for confirmation of grant. The beneficiaries of the estate of the deceased are all adults and they filed a consent dated 6th March 2023 to the confirmation.
4. It however occurred that in the consent to schedule of distribution of the estate, Insurance benefits were included whose beneficiaries are children of the deceased but who are now adults and what is required of them is to simply lodge their claims with the insurance companies since they are not the petitioners in this cause.
5. As there is no dispute on who should benefit from the estate of the deceased Joan Achieng Otieno, I hereby confirm the grant issued to Moses Abungu Amoko on 22nd April 2009.
6. In the schedule of distribution of the estate, the certificate of confirmation shall reflect the Petitioner as the sole beneficiary of the death gratuity.
7. This file is closed subject to Section 83 of the [Law of Succession Act](#).
8. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 5TH DAY OF MARCH, 2024



R. E. ABURILI
JUDGE

