



**In re Estate of Ombai Odhoch (Deceased) (Succession Appeal  
E002 of 2023) [2024] KEHC 2157 (KLR) (5 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2157 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION APPEAL E002 OF 2023  
RE ABURILI, J  
MARCH 5, 2024**

**IN THE MATTER OF THE ESTATE OF OMBAI ODHOCH – DECEASED**

**BETWEEN**

**PETER ODHIAMBO OMBAI ..... APPELLANT**

**AND**

**SALOME ACHIENG OCHIENG ..... 1<sup>ST</sup> RESPONDENT**

**BENARD OUMA GENGA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. Parties called out. They are absent. It is 9.33am.
2. This file is listed for dismissal of the appeal which was filed on February 15, 2023 and despite admission of the appeal to hearing on June 30, 2023 and directions given that the Appellant files and serves a Record of Appeal within 21 days of the date of admission of the appeal, which directions were served on the Appellant's counsel, there has been no compliance and the Appellant has never appeared in court.
3. For the above reasons, this appeal is hereby dismissed on the grounds that the Appellant has failed to prosecute the appeal since filing it and secondly, that the appellant has failed to comply with orders of this court made on June 30, 2023 requiring him to file and serve a record of appeal within 21 days of that date.
4. I make no orders as to costs.
5. This file is accordingly closed and this order to be typed and a copy thereof to accompany the return to the lower court of the lower court file as soon as possible.
6. I so order.



**DATED, SIGNED AND DELIVERED AT KISUMU THIS 5<sup>TH</sup> DAY OF MARCH, 2024**

**R. E. ABURILI**

**JUDGE**

