



REPUBLIC OF KENYA



In re Estate of Johnson Nyakwaka Onyango (Deceased) (Succession Cause 389 of 2005) [2024] KEHC 5756 (KLR) (9 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5756 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 389 OF 2005**

RE ABURILI, J

MAY 9, 2024

**IN THE MATTER OF THE ESTATE OF JOHNSON NYAKWAKA ONYANGO
(DECEASED)**

AND

**IN THE MATTER OF APPLICATION BY CARREN ADHIAMBO NYAKWAKA
& PAULINA AKUMU – PETITIONERS/APPLICANTS**

RULING

1. The grant was annulled/revoked on 20th July 2015 for failure to move the court for confirmation following the orders of 14th December 2007 by M. G. Mugo J.
2. On 24th July 2023, the firm of Maxwel Omondi Ogonda wrote to court asking for retrieval of the court file for purposes of filing of an application and the file was retrieved from archives but todate, no action has been taken.
3. As the file had been closed, I can only reiterate and close the file, noting that the Petitioner has the opportunity to petition for a fresh grant as the grant issued many years ago on 27th February 2007 became useless and inoperational and reviving it will not serve any purpose other than to revive a backlog for this court.
4. I order that no application shall be made to revive this file, as succession matters are not limited by the statute of limitation.
5. File closed.
6. Ruling to be typed and uploaded on Case Tracking System.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 9TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

