



**In re Estate of Nyangiri Ndia (Deceased) (Succession Cause  
110 of 1990) [2024] KEHC 5192 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5192 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 110 OF 1990  
RE ABURILI, J  
MAY 9, 2024  
IN THE MATTER OF THE ESTATE OF NYANGIRI NDIA (DECEASED)  
AND  
IN THE MATTER OF APPLICATION BY MARK  
ODORO SEDA – PETITIONER/APPLICANT**

**RULING**

1. A grant was issued on 13<sup>th</sup> November 1990 to Mark Odoro Seda to administer the estate of Nyangiri Ndia. That grant was confirmed on 15<sup>th</sup> August 1996.
2. Vide Notice of Motion dated 27<sup>th</sup> July 2023 which has not been prosecuted, the Petitioner sought for amendment of the confirmed grant to include one asset Kisumu/Kogony/1931 which was subject to litigation in Kisumu ELC No. 14 of 2019 (OS) which from the annexed judgment, dated 6<sup>th</sup> January 2021 the court ordered that that parcel title do revert to the name of the deceased Nyangiri Ndia pending succession.
3. Succession had however been commenced herein hence the only way to have that parcel asset administered is through these proceedings.
4. I hereby allow the application dated 27<sup>th</sup> July 2023 and order that the certificate of confirmation of grant dated 15<sup>th</sup> August 1996 shall be rectified to include title No. Kisumu/Kogony/1931.
5. As there are other named beneficiaries, the Petitioner shall ensure equal distribution of the said asset to all the surviving beneficiaries and or dependants as the asset does not belong to him exclusively, going by the judgment in ELC No. 14 of 2019 (OS) at Kisumu.
6. However, the Applicant shall not be issued with a rectified certificate of confirmation until he avails to court all beneficiaries of the estate.
7. Mention on 23<sup>rd</sup> May 2024.
8. Applicant's counsel Mr. Bildad Abong to be served with Notice.



Dated, Signed and Delivered at Kisumu this 9<sup>th</sup> Day of May, 2024

**R. E. ABURILI**

**JUDGE**

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