



REPUBLIC OF KENYA



In re Estate of Walter Odede Ndonga (Deceased) (Succession Cause E003 of 2021) [2024] KEHC 5760 (KLR) (9 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5760 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE E003 OF 2021**

RE ABURILI, J

MAY 9, 2024

IN THE MATTER OF AN APPLICATION BY MARY CONSOLATA, KEVIN OMONDI ODEDE & SAMUEL OYOLA OYOLA - PETITIONERS/APPLICANTS

RULING

1. This matter was originated by way of an application for limited grant ad colligenda Bona, under certificate of urgency dated 11th May 2021.
2. The moment the duty Judge declined to certify the application as urgent noting that the deceased died on 11th May 2019 hence there was no urgency that had arisen in May 2021, and he referred the matter to be handled at Siaya on 29th June 2021, as the matter was filed in Siaya High Court, the Applicants vanished from the face of the court.
3. Accordingly, that application dated 11th May 2021 which has never been prosecuted is hereby marked as spent. As the file was originally a Siaya matter and was only brought to Kisumu High Court to handle the certificate of urgency during the absence of the Judge in Siaya High Court on that date of 18th May 2021, the matter is closed for archiving.
4. File closed.
5. Ruling to be typed and uploaded in the Case Tracking System.
6. I so order.

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

R. E. ABURILI

JUDGE

