



REPUBLIC OF KENYA



In re Estate of Walter Ogacho Mbeche (Deceased) (Miscellaneous Succession Cause E035 of 2024) [2024] KEHC 7293 (KLR) (14 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7293 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E035 OF 2024**

RE ABURILI, J

JUNE 14, 2024

RULING

1. The Administrator/Applicant Meshack Opondo Ogacho was issued with grant on 2nd November 2010 to administer the estate of Walter Ogacho Mbeche. This was in Succession Cause No. 555 of 2009.
2. The grant was confirmed on 3rd July 2012 and a certificate issued. However, he only held the assets of the estate in trust for other beneficiaries who were not listed.
3. He is the sole surviving son of the deceased Walter Ogacho Mbeche. The deceased was survived by other sons who also died. They are represented by the persons now listed as beneficiaries but who will also hold the shares given to them in trust for other beneficiaries and themselves. They are the 2 widows of his 2 deceased brothers and a son to his deceased brother.
4. I have interviewed the beneficiaries who are present in court and recorded their National Identity cards.
5. There is no dispute as to who should benefit or hold what share as there are 4 parcels of land namely Kisumu/Chiga/116, Kisumu/Chiga/32, Kisumu/Chiga/265 and Kisumu/Chiga/354, which is being apportioned to each house as represented.
6. Accordingly, I set aside the confirmation order made on 3rd July 2012 and substitute it with an order confirming the grant issued on 2nd November 2010 afresh, distributing the estate as stated above.
7. For avoidance of doubt, each of the widows who are the daughter in laws of the deceased will hold the shares in trust for themselves and in trust for their children while the grandson Maurice Owino Diang'a will hold the shares in Kisumu/Chiga/354 in trust for himself and on behalf of his siblings, the children of Gilbert Diang'a Ogacho. Only Meshack Opondo Ogacho will have his share in whole as he is the son of the deceased intestate.
8. The estate to be distributed within 6 months of today and accounts to be filed in court as required under Section 83 of the *Law of Succession Act*.
9. This file is closed.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 14TH DAY OF JUNE, 2024

R. E. ABURILI

JUDGE

