



REPUBLIC OF KENYA



In re Estate of Joel Osedo Pete alias Osedo Pete (Deceased) (Succession Cause 1122 of 2014) [2024] KEHC 7127 (KLR) (13 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7127 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 1122 OF 2014
MS SHARIFF, J
JUNE 13, 2024**

**IN THE MATTER OF SUMMONS TO RECTIFY A CONFIRMED GRANT OF LETTERS
AND THE APPLICATION BY: SOLOMON OTIENO ONDIEGE & JOE OMBWAYO MIYAA**

RULING

1. *Vide* a chamber summons dated 21st May, 2024 brought under the provisions of Rule 43 (1) of the *Probate and Administration Rules* and supported by the affidavit of Solomon Otiemo Ondiege and Joe Ombwayo Miya sworn jointly on even date, the Applicants seek prayers for the rectification of the grant as confirmed on 22nd December 2017 on grounds that parcel no Kisumu/Kajulu/Wathorego/1700 was registered in the name of the deceased Joel Osedo Pete and Jenifa Otiende and that one Sara Achieng Juma is the Administrator of the estate of Jenifa Otiende wherefore the said parcel of land ought to be distributed to her.
2. I have considered the entire application, the affidavit in support thereof and the copy of search dated 22.9.2014 in respect of parcel no Kisumu/Wathorego/1700 and I do confirm that indeed the said parcel of land is registered in the names of Jenifa Otiende Akiri and Joel Osedo Opete.
3. The aforesaid confirmation notwithstanding, this probate cause relates to the estate of Joel Osedo Pete alias Osedo Pete and not Jenifa Otiende Akiri wherefore this court cannot purport to distribute the share of Jenifa Otiende Akiri.
4. In any event no evidence has been placed before this court to demonstrate that Jenifa Otiende Akiri is deceased and that Sara Achieng Juma is the administratrix of her estate.
5. On the balance this application is without merit and I thus disallow it with no orders as to costs.
6. This file is marked as closed.

SIGNED DATED AND DELIVERED THIS 13TH DAY OF JUNE, 2024.

M. S. SHARIFF

JUDGE



13/6/24

