



In re Estate of Hezekia Lubanga Lihanda (Deceased) (Succession Cause E029 of 2024) [2024] KEHC 6845 (KLR) (5 June 2024) (Ruling)

Neutral citation: [2024] KEHC 6845 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE E029 OF 2024
RE ABURILI, J
JUNE 5, 2024**

BETWEEN

KENNEDY ATIGALA LUBANGA PETITIONER

AND

ANNE NAIGA LUBANG'A APPLICANT

RULING

1. This Succession Cause file arises from P&A No. 767 of 2014.
2. A grant was issued on 21st September 2015 which was never confirmed as no summons for confirmation were filed and prosecuted.
3. On 28th May 2018, that grant was revoked under Section 76(d) (i) of the *Law of Succession Act*.
4. The grant became inoperative and useless. It cannot be revived for whatever purposes. I decline to grant the orders in the application dated 8th May 2024 seeking to revive the Succession No. 767 of 2014 and dismiss the application.
5. As succession causes can be filed afresh without plea of res judicata, the beneficiaries of the deceased's estate are at liberty to file a fresh petition for grant of letters of administration intestate before Vihiga Law Courts, which is the court with geographical jurisdiction of the deceased's domicile for consideration.
6. Ruling to be typed and Applicant's counsel notified.
7. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 5TH DAY OF JUNE, 2024

R. E. ABURILI



JUDGE

