



**In re Estate of Felix Likuyu (Deceased) (Succession Cause 932 of 2011)  
[2024] KEHC 12227 (KLR) (23 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 12227 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
SUCCESSION CAUSE 932 OF 2011  
S MBUNGI, J  
SEPTEMBER 23, 2024  
IN THE MATTER OF THE ESTATE OF FELIX LIKUYU (DECEASED)**

**BETWEEN**

**EVERLYNE ITIEVA AYUGU ..... OBJECTOR**

**AND**

**HARRISON LIKUYU AMANYA ..... 1<sup>ST</sup> PETITIONER**

**JOSEPHINE AMUKOWA LIKUYU ..... 2<sup>ND</sup> PETITIONER**

**RULING**

1. The application coming up for determination is a summons for revocation or annulment of grant dated 15<sup>th</sup> January, 2024 seeking the following orders;
  - i. The grant of Letters of Administration Intestate in respect to the Estate of the deceased issued to the Petitioners on the 7<sup>th</sup> Day of February and confirmed on 13<sup>th</sup> Day of May, 2022 be revoked and annulled on the following grounds;
    - a. That the grant of letters of Administration Intestate were obtained by false concealment of material facts from court.
    - b. The petitioners deliberately failed to disclose the full identities of the beneficiaries/heirs to the estate of the deceased.
    - c. The objector is a direct beneficiary to the estate of the deceased by virtue of being the widow to the son of the deceased.
  - ii. Costs of this summons be provided for.
2. The application is supported by grounds on the face of it and the supporting affidavit of Everline Itieva Ayugu the applicant herein.



3. The Applicant avers that she is the widow of the deceased's son one Ambrose Apwoka (deceased) and therefore one of the beneficiaries to the Estate of the deceased whose estate is the subject matter of these proceedings.
4. The Applicant further avers that during the commencing of this suit the
5. Petitioners/Respondent did not bother to engage her.
6. The Applicant avers that on two occasions 13<sup>th</sup> day of July 2022, and the 6<sup>th</sup> day of December, 2023 the Senior Chief, Butsoto North Location wrote a letter confirming that she had a beneficial interest in the estate.
7. The Applicant maintains that the matter was closed without her participation and that herself and her children stand to suffer irreparably due to the Petitioner's concealment from this court vital material facts, especially the actual full list of the beneficiaries to the estate of the deceased.
8. The petitioner/respondent filed a replying affidavit in response to the summons for revocation and/or annulment of grant.
9. The respondent submitted that the deceased Felix Likuyi died intestate and had three brothers namely; Ambunya Likuyi, James Amkoa, and Raphael Anunda Likuyi.
10. The three brothers are all deceased and thus the property of the deceased was divided among their respective families equally. The court found and directed distribution as follows.
  - i. Francis Likuyi Mulando on behalf of the family of Ambunya Likuyi
  - ii. Harrison Likuyi Amanyana on behalf of the family of Raphael Anunda Likuyi.
  - iii. Mildred Amimo Likuyi, Afia A. Amukoa and Josephione Amukowa Likuyi to hold in trust on behalf of the family of James Amukoa Likuyi.
11. The Respondent submitted that the title deeds have since been issued being numbers: Butsoto / Ingotse/3999, 4000, and 4001.
12. The respondent submitted that the late James Likuyi also sired a son named Ambrose Apwoka who married the objector/Applicant Everlyne Ayugi. During the lifetime of James Likuyi, he allotted Ambrose Apwoka a parcel of land measuring about an acre and a half where he established a home with the objector. The said parcel of land falls within the title number of the parcel of land Butsoto/ Ingotse/3999 now allocated to the widows of the late father in law.
13. The respondent further submitted that the applicants claim, if any, does not touch on the two title deed numbers Butsoto/ Ingotse/4000 and 4001 and that the title deed number Butsoto/ Ingotse/3999 is clearly stated to have been issued to the proprietors to hold in trust for the Estate of the objectors' deceased father in law.
14. Having considered the instant application, and the replying affidavit and the sole issue for determination by this court is whether to revoke and/or annul the certificate of confirmation of grant) dated 7<sup>th</sup> February, 2024. The answer is in the negative.
15. The respondent does not deny that the Objector /Applicant was married to the son of James Amkoa Likuyi, therefore automatically she is a beneficiary because Ambrose Apwoka .



16. Since the share of the Estate of James Amukoa Likuyi was to be held in trust by Mildred Amimo Likuyi, Afia A. Amukoa and Josephione Amukowa Likuyi for the deceased estate, the applicant/objector herein can only move to civil court for er share in the trust to be determined.
17. The application fails.
18. No orders as to cost.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2024.**

**S.N MBUNGI**

**JUDGE**

In the presence of :-

Mr. Mango for the petitioner present online

Applicant – present in person

Court Assistant – Elizabeth Angong'a

