



REPUBLIC OF KENYA



**In re Estate of Jacob Ishmael Ombara Opiyo (Deceased) (Miscellaneous Succession Cause E047 of 2024) [2024] KEHC 10569 (KLR) (4 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10569 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT KISUMU**  
**MISCELLANEOUS SUCCESSION CAUSE E047 OF 2024**  
**RE ABURILI, J**  
**SEPTEMBER 4, 2024**  
**IN THE MATTER OF THE ESTATE OF JACOB ISHMAEL OMBARA OPIYO (DECEASED)**  
**AND**  
**IN THE MATTER OF AN APPLICATION BY**  
**CHRISTINE ADHIAMBO ORARO - APPLICANT**  
*(Arising from Original Kisumu HC P&A No. 690 of 2000)*

**RULING**

1. The grant in this Succession Cause which was originally filed in 2000 was issued on 9<sup>th</sup> May 2001 to Gladys Orao Ombara and Christine Adhiambo Oraro.
2. The said grant was confirmed on 24<sup>th</sup> September 2003.
3. Regrettably, todate, the estate of the deceased Jacob Ismael Ombara has never been administered and or the property distributed to the beneficiaries fully and true and accurate accounts filed into court as stipulated under Section 83 of the [Law of Succession Act](#).
4. The 1<sup>st</sup> Administratrix Gladys Orao Ombara is now said to be dead and from the summons dated 11<sup>th</sup> June 2024, she died on 13<sup>th</sup> June 2022.
5. What that means is that no doubt, the grant as issued and confirmed served no purpose. It became useless and inoperational. Such a grant that lost its purpose cannot be passed to any other person. It is amenable for revocation and annulment under Section 76 (d) of the [Law of Succession Act](#).
6. Accordingly, I decline to substitute the deceased administratrix Gladys Orao Ombara as sought.
7. I hereby annul and revoke the grant confirmed on 24<sup>th</sup> September 2003 which is over 20 years ago and direct that the eligible beneficiaries of the estate Petition for a fresh grant.
8. This file and its original succession cause No. 690 of 2000 which was already archived are hereby closed.
9. Parties to be notified forthwith.



10. This Ruling to be typed forthwith and uploaded.

11. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 4<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

