



REPUBLIC OF KENYA



**In re Estate of Tobias Nyabwanda Odera (Deceased) (Miscellaneous Succession Cause E028 of 2024) [2024] KEHC 12359 (KLR) (15 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12359 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS SUCCESSION CAUSE E028 OF 2024**

**RE ABURILI, J**

**OCTOBER 15, 2024**

**IN THE MATTER OF THE ESTATE OF TOBIAS NYABWANDA ODERA (DECEASED)**

**AND**

**IN THE MATTER OF AN APPLICATION BY  
ALFRED OMONDI NYABWANDA - APPLICANT**

**RULING**

1. The application for limited grant dated 7<sup>th</sup> October 2024 is filed under Certificate of Urgency. I observe that the deceased who is sought to be replaced as an objector in Succession proceedings died on 30<sup>th</sup> January 2024. There is therefore no urgency 9 months later. I decline to certify the matter as urgent.
2. Nonetheless, as the application is for a limited grant to enable the Applicant be substituted for the deceased Objector in Nairobi HC Succession Cause No. 877 of 2014 the Estate of Helena Aboge Oyuga, I find no prejudice if the application is granted as the Applicant's siblings who are all children of the Objector Tobias Nyabwanda Odera in the above cause have signed consents to allow the Applicant be their later father's substitute.
3. I hereby grant to the Applicant Alfred Omondo Nyabwanda a limited grant of letters of Administration Ad Litem, limited for purposes of being substituted as an objector in Nairobi Succession Cause No. 877 of 2014 in the place of the deceased Objector Tobias Nyabwanda Odera, in respect of objection proceedings regarding the estate of Helena Aboge Oyuga.
4. The limited grant shall not be used for any other purpose other than that stated hereinabove. It excludes administration of the estate of the deceased Tobias Nyabwanda Odera.
5. Formal limited grant ad litem to issue.
6. I so order
7. This file is closed.



**DATED, SIGNED AND DELIVERED AT KISUMU THIS 15<sup>TH</sup> DAY OF OCTOBER, 2024**

**R. E. ABURILI**

**JUDGE**

