



REPUBLIC OF KENYA



In re Estate of Horoba Liyayi alias Horoba Liyai (Deceased) (Succession Cause E4 of 2021) [2024] KEHC 11852 (KLR) (3 October 2024) (Ruling)

Neutral citation: [2024] KEHC 11852 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE E4 OF 2021**

RE ABURILI, J

OCTOBER 3, 2024

IN THE MATTER OF AN APPLICATION LUSENO HUDSON LIYAI, SETH AMUGUMBI LIYAI AND FANUEL KIPCHUMBA LIYAI - APPLICANTS

RULING

1. On 12th April 2020, the Petitioners were issued with a grant of letters to administer the estate of Horoba Liyayi alias Horoba Liyai.
2. *Vide* a summons for confirmation of grant dated 9th November 2021, the Petitioners sought for confirmation of the said grant.
3. To date, they have not prosecuted their application which is now nearly 3 years.
4. Since 15th July 2022 when the Petitioners were directed to file title documents in court, they have not complied and neither have they moved the court to have this succession cause concluded.
5. In the premises, it is apparent that the Petitioners lost interest in this case and that the grant issued to them on 12th April 2020 which was due for confirmation on 12th October 2021 became useless and inoperative.
6. The summons for confirmation of grant dated 9th November 2021 is hereby dismissed for want of prosecution.
7. Consequently, the grant issued on 12th April 2020 is hereby annulled and revoked on the court's own motion.
8. Beneficiaries of the deceased's estate shall file a fresh petition for a fresh grant before Vihiga High Court which is within the geographical jurisdiction of the petitioners and the last domicile of the deceased Horoba Liyayi alias Horoba Liyai.
9. This file is closed.
10. The Ruling to be typed and uploaded and a copy sent to the Petitioners through Chief, Senende Location, Hamisi Sub-county of Vihiga County.



11. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 3RD DAY OF OCTOBER, 2024

R. E. ABURILI

JUDGE

