



In re Estate of James Lucas Onyango (Deceased) (Succession Cause 222 of 2013) [2023] KEHC 2086 (KLR) (13 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2086 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 222 OF 2013**

**RE ABURILI, J
MARCH 13, 2023**

**IN THE MATTER OF THE ESTATE OF JAMES LUCAS ONYANGO
ALIAS JAMES LUKAS ONYANGO ALIAS JAMES LUKAS HENRY
ONYANGO -----DECEASED**

AND

IN THE APPLICATION BY

IN THE MATTER OF

**FREDRICK OTIENO 1ST APPLICANT
SOLOMON ODUOR ONYANGO 2ND APPLICANT
GEORGE OGUTU ONYANGO 3RD APPLICANT
NOBBERT JUDE ODUOR ONYANGO 4TH APPLICANT**

RULING

1. I have considered the application for reinstatement of the dismissed cause herein, the grounds and supporting affidavit sworn by Norbert Jude Onyango Advocate and upon hearing the sad deponent who is also one of the administrators of the estate of the deceased on the reasons for the delay in applying for confirmation of the grant issued on November 15, 2017 leading to the dismissal of the cause herein on 9/4/2018 on the court’s own motion, I am satisfied that the delay is explained as the estate is big and involves many beneficiaries who were still agreeing on the mode of distribution of the estate. I hereby allow the application dated 2/12/2021. I set aside the order of 9/4/2018 dismissing this succession cause and reinstate the succession cause. I make no orders as to costs.
2. Having reinstated the cause herein, and upon hearing counsel for the Administrators and interviewing some of the beneficiaries as above, I am satisfied that the beneficiaries of the estate are identified and



that all the assets of the estate are listed and the mode of distribution of the estate agreed upon as per the signed consent.

3. Accordingly, I hereby confirm the grant of letters of administration intestate issued to the administrators on November 15, 2017. A certificate of confirmation to issue forthwith. The entire estate to be distributed fully within six (6) months of today and accounts be filed into this court on or before September 18, 2023 pursuant to Section 83 of the *Law of Succession Act*.
4. Mention on September 18, 2023.
5. I so order.

Dated, Signed and Delivered at Kisumu this 13th Day of March, 2022

R. E. ABURILI

JUDGE

Page 2 of 2

