



In re Estate of Isabela Mbeda Ongany (Deceased) (Succession Cause 150 of 2015) [2023] KEHC 17215 (KLR) (18 April 2023) (Ruling)

Neutral citation: [2023] KEHC 17215 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 150 OF 2015
RE ABURILI, J
APRIL 18, 2023**

**IN THE MATTER OF
RICHARD ONOKA APPLICANT**

RULING

1. The application dated December 30, 2022 seeks for substitution of the deceased administrator Richard Onoka with the applicants herein as administrators of the estate of the late Isabela Mbeda.
2. The applicants also seek for confirmation of the grant issued to Richard Onoka on April 5, 2016. Prior to his death on November 4, 2015, as per the annexed death certificate, the court record shows that on November 4, 2015, the same date of death, he filed summons for confirmation of grant.
3. He had proposed the estate to be distributed to him to get 0.14 Ha of land parcel No. Kisumu/Korando/405 and Monicah Susan Awuor Ogoyo 0.11 Ha. However, in the proposed distribution schedule now annexed, the two applicants say they will get whole of the estate.
4. I find the application for substitution of the administrator to be merited as there is evidence of death of the administrator Richard Onoka. However, the summons or prayer for confirmation of grant is declined as there is no proper mode of distribution of the estate proposed to take care of the interests of the two applicants (daughters of the deceased) Isabela Mbeda, and the deceased Richard Onoka their brother.
5. The applicants to file summons for confirmation of grant with a schedule of distribution of the estate with each beneficiary to get their share of the estate before the court can confirm the grant.
6. The summons to be filed within 14 days of today. In default, the grant reissued shall be revoked and the process commenced afresh.
7. Mention on May 8, 2023 to confirm filing of summons for confirmation of grant. The grant to reissue to the applicants herein in the place of Richard Onoka.



8. I so order.

Dated, Signed and Delivered at Kisumu this 18th Day of April, 2023

R. E. ABURILI

JUDGE

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