



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Apollo Opondo Oloo (Deceased) (Succession Cause 586 of 2005) [2023] KEHC 3126 (KLR) (12 April 2023) (Ruling)

Neutral citation: [2023] KEHC 3126 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 586 OF 2005
RE ABURILI, J
APRIL 12, 2023**

RULING

1. I have considered the application dated February 9, 2023 by way of summons for rectification of certificate of confirmation of grant as further amended on August 3, 2022. The applicant herein is Hilda Auma Odira.
2. I have perused the documents in the Succession file. I observe that the applicant herein is one of the beneficiaries of the estate of the deceased Apollo Opondo Oloo as the second widow. The administrator is Davis Odhiambo Obondo.
3. There is no indication that the administrator of the estate failed to include the title of the land parcel now sought to be included. The applicant kept the title deed assuming that the land was hers. The entire estate of the deceased must be administered as one, not separate.
4. Nonetheless, the Applicant has done well to avail the particulars of the extra parcel of land registered in the name of the deceased. However, there is no schedule of distribution or consent from all the other beneficiaries agreeing to the applicant herein benefiting from the said parcel of land wholly to the exclusion of all other beneficiaries.
5. For the above reasons, I find that whereas this court can rectify the grant to correct the name of the beneficiary Mrs Hilda Obondo to read Hildah Auma Odira, and which name is hereby rectified as such, as the name in her national identify card number XXXX is Hildah Auma Odira and not Mrs Hilda Obondo.
6. I decline the first prayer of inclusion of parcel No North Sakwa/Ajigo/2256 until a fresh schedule of distribution of the said parcel is filed with a consent signed by all the beneficiaries of the estate of the deceased Apollo Opondo Oloo.
7. A fresh application be made by the administrator of the estate herein for inclusion of the said title No North Sakwa/Ajigo/XXXX with a complete schedule of distribution of the said estate with the new parcel being included.



8. As all the parties and properties in the estate of the deceased Apollo Opondo Oloo are domiciled in Bondo within Siaya County, I hereby order that this file be transferred to Siaya High Court for further consideration of the pending issues and therefore any application shall be filed and canvassed at Siaya High Court. I so direct.
9. From Kisumu High Court, this file is closed.
10. The Deputy Registrar to submit the file to Siaya High Court forthwith.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF APRIL, 2023

R E ABURILI

JUDGE

