



**In re Estate of Naftali Ochuka Ombek (Deceased) (Succession Cause 398 of 1998) [2023] KEHC 17388 (KLR) (15 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17388 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 398 OF 1998**

**RE ABURILI, J**

**MAY 15, 2023**

**IN THE MATTER OF ESTATE OF: NAFTALI OCHUKA OMBEK DECEASED**

**IN THE MATTER OF**

**RICHARD OGINGA OMBEK ..... APPLICANT**

**RULING**

1. I have perused the application dated December 15, 2021 by the Applicant Richard Oginga Ombek. I have interviewed both the Applicant and the Area Chief Mr Alex Odhiambo Aloo who wrote the letters dated March 16, 2022 and May 3, 2023 in respect of this estate. His identity card number is 10842944 and Personal Number is 2004017677. He is the Chief for East Kolwa Location.
2. He confirms knowing the family of the deceased Naftali Ochuka Ombek and that indeed the applicant Richard Oginga Ombek is the only surviving brother and sibling to the deceased who was survived by Monica Achieng Ojowo the latter being the administrator who also died before fully administering the estate of the deceased Naftali Ochuka Ombek.
3. He has explained that Mollent Akinyi was never a child to Monica and Naftali and that she cannot be traced as she was only a relative – niece to Monica Achieng, being the latter’s sister’s daughter.
4. For the above reasons, I am satisfied that Monica Achieng Ojowo the administratrix of the estate of the deceased Naftali Ochuka Ombek is now deceased as per the death certificate No 0042103058 dated September 21, 2021.
5. I am also satisfied that she was not survived by any child and that Richard Oginga Ombek is the only surviving brother and sibling to Naftali Ochuka Ombek.
6. I allow the application dated December 15, 2021. I order that the grant issued to Monicah Achieng Ojowo is hereby revoked and reissued to Richard Oginga Ombek.



7. I further set aside the certificate of confirmation of grant issued to Monica Achieng Ojowo and proceed to confirm the grant reissued to Richard Oginga Ombek.
8. Certificate of confirmation of the said grant to issue forthwith and the new administrator to comply with the provisions of Section 83 of the *Law of Succession Act* within six (6) months of today.
9. This file is closed. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 15<sup>TH</sup> DAY OF MAY, 2023**

**R. E. ABURILI**

**JUDGE**

