



**In re Estate of Owade Oriema (Deceased) (Succession Cause  
71 of 2014) [2023] KEHC 19105 (KLR) (20 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19105 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 71 OF 2014**

**RE ABURILI, J**

**JUNE 20, 2023**

**IN THE MATTER OF ESTATE OF: OWADE ORIEMA (DECEASED)**

**AND**

**IN THE MATTER OF APPLICATION FOR REVOCATION OF GRANT**

**AND**

**IN THE MATTER OF APPLICATION BY:**

**BETWEEN**

**MAGDALINA OLAL ..... APPLICANT**

**AND**

**BENTER OGADA OWADE ..... RESPONDENT**

**AND**

**DOUGLAS MOMANYI MAKORI ..... INTERESTED PARTY**

**RULING**

1. I have perused the application dated June 5, 2023, the grounds and supporting affidavit and annexures. The applicant claims that he is an innocent purchaser of the land in issue from the respondent administrator while there is a party Magdalena Olal who is challenging the entire process through which the grant was obtained by Benta Ogada Owade and confirmed. This is vide summons for revocation of grant dated April 13, 2023.
2. As the applicant in the summons for revocation of grant is not opposed to the joinder of the intended Interested Party, I hereby allow the application by way of notice of motion dated June 5, 2023 and grant orders enjoining Douglas Momanyi Makori as an interested party to these proceedings.



3. I further direct the respondent/administrator and the interested party herein to file and serve their replying affidavits to the summons for revocation of grant dated June 5, 2023 within 10 days of today, upon which the Applicant shall have 10 days of the date of service to file and serve a further affidavit, if need be, together with written submissions.
4. The administrator and interested party shall thereafter have 10 days of the date of service to file and serve supplementary affidavit if any, together with written submissions.
5. Mention on July 3, 2023 before the Deputy Registrar to place the file before the judge for fixing of a ruling date.
6. The applicant herein is directed to serve the respondent/administrator with this ruling/directions and date.
7. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 20<sup>TH</sup> DAY OF JUNE, 2023**

**R. E. ABURILI**

**JUDGE**

