



**In re Estate of William Omondi Omer (Deceased) (Succession Cause 599 of 2015) [2023] KEHC 18600 (KLR) (12 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 18600 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 599 OF 2015**

**RE ABURILI, J**

**JUNE 12, 2023**

**IN THE MATTER OF THE ESTATE OF WILLIAM OMONDI OMER.....(DECEASED)**

**AND**

**IN THE MATTER OF APPLICATION BY**

**BETWEEN**

**JAMES AMATA NYABWA ..... APPLICANT**

**AND**

**REGISTRAR OF BIRTHS AND DEATHS AWASI SUB-COUNTY ..... RESPONDENT**

**RULING**

1. This matter was initiated by way of a citation. An application to compel the Registrar of births and deaths to issue a death certificate in respect of William Omondi Omer who died on March 25, 2014 in Tanzania was declined by this court on March 28, 2022 as the deceased did not die within the jurisdiction and nothing prevented the applicant from getting the death certificate from the jurisdiction where the deceased lived and died.
2. Further, the court in the ruling of March 28, 2022 held that it could not presume the deceased dead as his death was known.
3. No other action is pending in this matter.
4. Accordingly, the citation is devoid of any merit. It is hereby dismissed and this file is accordingly closed.
5. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 12<sup>TH</sup> DAY OF JUNE, 2023**



**R. E. ABURILI**  
**JUDGE**

