



**In re Estate of Akhura Kubakha alias Akhua Muyale (Deceased) (Succession Cause 295 of 2003) [2023] KEHC 20615 (KLR) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20615 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
SUCCESSION CAUSE 295 OF 2003**

**WM MUSYOKA, J**

**JULY 21, 2023**

**IN THE MATTER OF THE ESTATE OF AKHURA  
KUBAKHA ALIAS AKHUA MUYALE (DECEASED)**

**RULING**

1. I am tasked with determining a motion, dated November 9, 2020. It seeks review of orders that I made herein, on April 30, 2020, purportedly setting aside a certificate of confirmation of grant issued on March 20, 2012, and issuance of an amended certificate of confirmation on April 30, 2020, and praying that a further certificate of confirmation of grant be issued as some beneficiaries have died, and some do not exist.
2. The orders, that I made in the judgment that I delivered on April 30, 2020, did not set aside the certificate of confirmation of grant issued on March 20, 2012, or any other certificate of confirmation of grant for that matter. The orders appointed new administrators, and distributed the estate, and gave directions on what should happen or be done where some of the beneficiaries, named in a certificate of confirmation of grant, die before transmission.
3. The certificate of confirmation of grant that the applicant is referring to was swept aside, by the orders that were made on October 23, 2018, when the summons for revocation of grant, dated November 21, 2016, was allowed by Njagi J, as it was not opposed by the administrators. The grant revoked, by the orders of October 23, 2018, had been confirmed, on March 20, 2012, which meant that the confirmation orders of March 20, 2012 were revoked together with the grant, which had the effect of cancelling the certificate of confirmation issued based on those orders.
4. As the orders of April 30, 2020 did not set aside the confirmation orders of March 20, 2012, there can be no basis for the review sought in the application dated November 9, 2020. That application is without merit, and it is hereby dismissed. There shall be no order on costs.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS 21<sup>ST</sup> DAY OF JULY 2023**

**WM MUSYOKA**



**JUDGE**

**Mr. Erick Zalo, Court Assistant.**

**Appearances**

Mr. Mukavale, Advocate for the applicant.

Bernetta Atenya Akhura, administratrix in person.

