



**In re Estate of Olumu Owori (Deceased) (Succession Cause
306 of 2008) [2023] KEHC 20595 (KLR) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20595 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 306 OF 2008**

WM MUSYOKA, J

JULY 21, 2023

IN THE MATTER OF THE ESTATE OF OLUMU OWORI (DECEASED)

RULING

1. I am tasked with determining a summons for confirmation of grant, dated February 4, 2022. In the affidavit in support of the application, it is disclosed that the deceased was survived by 3 individuals, a son and 2 grandsons.
2. The application is not opposed, for no affidavit of protest has been filed. When the matter came up on May 19, 2022, William Olum indicated that he did not agree with the proposals made, and I gave him time to file a protest. He did not.
3. The matter then came up on July 21, 2022, Rose Andeso attended court, and indicated that William Olum was her brother. I allocated more time for filing of a protest. Neither Rose Andeso nor William Olum file one.
4. There is a letter from the Assistant Chief of Khushiku Sub-Location, dated February 7, 2023, stating that the deceased had 3 wives. On 8th February 2023, Rose Andeso informed me, from the Bar, that the deceased had 4 wives. However, no affidavits have been filed to that effect. I only have what is disclosed in the application.
5. In the absence of any other evidence, and seeing that those opposed have shied away from filing protests, despite being given time to do so, I have no option, but to approve the distribution proposed.
6. Consequently, I do allow the application, dated February 24, 2022. The grant is confirmed. Estate to devolve as proposed. Certificate of confirmation of grant to issue accordingly. It is so ordered.

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

WM MUSYOKA

JUDGE



Mr. Erick Zalo, Court Assistant.

Appearances

Mr. Athung'a, instructed by Athung'a & Company, Advocates for the administrators.

Rose Andeso

William Olum

James Owenga

Jessica Asami

