



**In re Estate of Mark Moseti Mwamba (Deceased) (Succession Cause  
251 of 2012) [2023] KEHC 24113 (KLR) (23 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24113 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 251 OF 2012  
RE ABURILI, J  
OCTOBER 23, 2023  
IN THE MATTER OF THE ESTATE OF  
MARK MOSETI MWAMBA.....(DECEASED)  
AND  
IN THE MATTER OF AN APPLICATION BY  
JANE MOSETI.....APPLICANT**

**RULING**

1. I have perused this succession cause which was filed in the year 2012 which is over ten years ago and I note that there are other beneficiaries in the estate as listed in the Chief's letter dated 5/3/2012 but the certificate of confirmation of grant dated December 31, 2013 does not disclose them.
2. The order made on December 31, 2013 confirming the grant does not distribute the estate and neither does it disclose that the petitioners/administrators were to hold the property in trust for themselves and on behalf of the other beneficiaries. Furthermore, despite the grant having been issued in the names of two administratixes as there was a minor in the estate, the confirmation was issued to only one administratix and no reasons were given for the omission of the second administratix. Accordingly, the order made on December 31, 2013 confirming the grant is hereby set aside.
3. The certificate of confirmation of grant issued is hereby recalled. The Petitioners to file a fresh summons for confirmation of grant providing a schedule of all assets and beneficiaries and their shares in the estate.
4. The application dated September 1, 2023 shall be considered alongside the fresh summons for confirmation of grant.
5. Mention on November 14, 2023 to confirm filing of the fresh summons for confirmation of grant.
6. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 23<sup>RD</sup> DAY OF OCTOBER, 2023**



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

