



**In re Estate of Jacob Omboro Owuor (Deceased) (Succession Cause
167 of 1991) [2023] KEHC 23505 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23505 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 167 OF 1991
RE ABURILI, J
OCTOBER 6, 2023**

**IN THE MATTER OF
BOAZ AWELO OMBORO APPLICANT**

RULING

1. In this very old cause filed in 1991, the Petitioner Boaz Awelo Omboro was issued with a grant of letters of administration Intestate on 6th November 1991 to administer the estate of the late Jacob Omboro Owuor.
2. The said grant was confirmed on 11th June 1992.
3. Regrettably, in the schedule of distribution of the estate of the deceased, there is no property listed for distribution and no heirs are also listed.
4. I further observe that the Petitioner never obtained any consents from his 3 sisters named in the P&A 5 as heirs, to enable him become the sole heir to all the movable properties listed in P&A 5 in support of the Petition for a grant.
5. Since 1992, the Administrator has never come back to court until 4th November 2019 when he filed summons for rectification of grant seeking to add four properties to the certificate of confirmation of grant made on 11th June 1992, in the schedule of properties.
6. Again, from the time he filed that application in 2019, he has never prosecuted it as he was absent on 9th December 2019 when the same came up for hearing. The matter has been mentioned from time to time but the Petitioner has never appeared to prosecute his said application and no consents from the other beneficiaries of the estate, who are daughters is filed. Neither have they been provided for in the estate.
7. In my view, that grant has become inoperational and useless for all purposes.
8. Accordingly, the grant issued on 6th November 1991 and confirmed on 11th June 1992 be and is hereby revoked and set aside respectively.



9. The Petitioner to file for a fresh before the Chief Magistrate's court as there is no evidence that the estate property exceeds Kshs.20 million in value.
10. The application dated 30th October 2019 is dismissed for want of prosecution.
11. This file is closed.
12. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF OCTOBER, 2023

R. E. ABURILI

JUDGE

