



**In re Estate of Patris Ponge Gumba and Sabianus Okemia Gumba (Deceased)
(Succession Cause 501 of 2003) [2023] KEHC 23506 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23506 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 501 OF 2003**

RE ABURILI, J

OCTOBER 6, 2023

**IN THE MATTER OF THE ESTATE OF PATRIS PONGE GUMBA AND
SABIANUS OKEMBA GUMBA (DECEASED)**

IN THE MATTER OF

PAMELA AKINYO ABOGE 1ST APPLICANT

JOHN OKORE PONGE 2ND APPLICANT

RULING

1. In this 2003 Succession cause, the P&A 5 filed together with the Petition for grant on July 21, 2003 listed the following beneficiaries/heirs of the estate of the late Patris Ponge Gumba and Sabianus Okemia Gumba.
 1. Pamela Akinyi Aboge; widow to Michael Aboge Okemia (wife to son to Okemia Gumba)
 2. John Okore Ponge – son to Patris Ponge Gumba.
 3. Martin Olago Ponge – son to Patris Ponge Gumba.
 4. Corner Omondi Oduor – son to Pamela Akinyi Aboge.
2. The property listed as the only asset was Land Parcel No. Kisumu/Dago/264. The grant was issued on September 4, 2003.
3. In the summons for confirmation of grant dated March 18, 2004, the property was listed to be shared equally between John Okore and Corner Omondi Oduor each getting 1.3 hectares.
4. There is no mention of Martin Olago and Pamela Akinyi Aboge, the latter who has since died.



5. The grant was confirmed on March 24, 2004 but the shares in the same parcel are stated to be 1.3 hectares and 133 hectares which latter I find to be erroneous because there is no evidence by way of search certificate disclosing that amount of land.
6. Upon the demise of Pamela Akinyi Aboge, which was on March 22, 2006 as per the death certificate entry No 078060xxxx issued on January 14, 2014, and which death occurred before the estate was fully distributed, Corner Omondi who is her son and not administrator filed an application to be substituted as administrator.
7. On May 3, 2021, Ochieng J granted the prayer substituting the deceased Pamela Akinyi Aboge with Corner Omondi Oduor as one of the administrators of the estate.
8. On July 19, 2021, Ochieng J advised the said Corner Omondi Oduor to now apply for confirmation of grant and directed that when such application is filed and fixed for hearing, all beneficiaries will have to attend court.
9. Corner Omondi Oduor had on July 15, 2021 filed summons for rectification of grant to which the court permitted by way of substitution of the deceased Pamela Akinyi Aboge.
10. From July 19, 2021, the Administrators have never sought to have the said grant confirmed.
11. In the premises, and as it is clear that the grant as initially confirmed omitted Land Parcel No Kisumu/Dago/725 and as no distribution of the estate of the deceased has been undertaken in this age old matter, I find that the grant issued by this court has never been useful to the estate of the two (2) deceased persons.
12. The said grant as issued has become inoperational and useless. It is hereby annulled and revoked. In addition, the order confirming the grant is hereby set aside and vacated.
13. The persons interested in the estate of the deceased Patris Ponge Gumba and Sabianus Okemia Gumba to petition afresh for a new grant and as the estate property does not appear to exceed Kshs 20 million in value, the fresh grant shall be sought before the Chief Magistrate's Court.
14. Registry to notify parties.
15. This file is closed. I so order.

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

R. E. ABURILI

JUDGE

