



In re Estate of Jotham Makonge Osore (Deceased) (Succession Cause 170 of 2008) [2023] KEHC 23510 (KLR) (5 October 2023) (Ruling)

Neutral citation: [2023] KEHC 23510 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE 170 OF 2008**

REA OUGO, J

OCTOBER 5, 2023

IN THE MATTER OF THE ESTATE OF JOTHAM MAKONGE OSORE (DECEASED)

BETWEEN

BENSON WAFULA MAKONGE PETITIONER

AND

JACOB SIMIYU MAKONGE OBJECTOR

AND

JOSEPH NYONGESA MAKONGE APPLICANT

RULING

1. I have considered the application dated 28.3.2023 and the oral submissions of 3.7.2023 by the counsels. The said application as per the court record was filed by Jacob Simiyu Makonge.
2. The application was filed in 2010 and was dismissed for want of prosecution. It was not heard on merit. The applicant claims that several beneficiaries have died. I agree with the Respondent that there is nothing attached to demonstrate what is alleged. The delay from 2010 to 2023 hasn't been sufficiently explained by the applicant. I also take note that objection proceedings don't have a time limit. If there is yet another objector then the said person is at liberty to file another application. Once it is filed the court will give directions. I decline to grant the orders sought in the application dated 23.3.2023. No orders as to costs.

DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS THIS 5TH DAY OF OCTOBER 2023.

R. E. OUGO

JUDGE

