



**In re Estate of Ambayi Anjiehere Omukhumu alias Ambayi Anjele (Deceased)
(Succession Cause 756 of 2013) [2023] KEHC 23507 (KLR) (4 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23507 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 756 OF 2013
RE ABURILI, J
OCTOBER 4, 2023
IN THE MATTER OF THE ESTATE OF AMBAYI ANJIEHERE OUMUKHUMU
ALIAS AMBAYI ANJELE (DECEASED)
AND**

**IN THE MATTER OF
ANDREW NDETTA AMBAYI PETITIONER**

RULING

1. On application by the Applicant, the application dated 2nd September 2022 be and is hereby marked as wholly withdrawn.
2. On the application for confirmation of grant dated 27th January 2014, I observe that on 9th April 2018, E. Maina J revoked the grant under Section 76(d) (i) of the *Law of Succession Act* as the grant had become inoperational and useless as no action had been taken to have it confirmed and 4 years had lapsed since the summons for confirmation of grant had been filed but not prosecuted.
3. Accordingly, there is nothing to be prosecuted on this file which is closed.
4. The beneficiaries of the estate of the deceased to petition for a fresh grant.
5. File closed. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 4TH DAY OF OCTOBER, 2023

R. E. ABURILI

JUDGE

