



In re Estate of Oloo Ofuya (Deceased) (Miscellaneous Succession Cause E3 of 2022) [2023] KEHC 23498 (KLR) (4 October 2023) (Ruling)

Neutral citation: [2023] KEHC 23498 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E3 OF 2022
RE ABURILI, J
OCTOBER 4, 2023
IN THE MATTER OF THE ESTATE OF OLOO OFUYA (DECEASED)**

BETWEEN

DERRICK KOLANYA MBASA APPLICANT

AND

JOTHAM OMONDI OBIERO RESPONDENT

AND

JOSEPH ODERA OLOCHO PROTESTOR

RULING

1. The application dated September 13, 2021 seeks for reconstruction of a skeleton file in Succession Cause No 365 of 2008 which went missing from 2017. It is supported by the affidavit of Joseph Odera Olocho the Protestor. There is no opposition to the application whose purpose is to reconstruct the file so that the succession cause can be concluded, although the application is being considered two years after it was filed.
2. Accordingly, I hereby allow the application for reconstruction of the file and order for reconstruction of a fresh Succession Miscellaneous Cause to be opened afresh and the Petitioner do supply to court all the documents in their possession to constitute and reconstruct the said file.
3. This file is closed. I so order.

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

R. E. ABURILI

JUDGE

