



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

SUCCESSION CAUSE NO. E005 OF 2021

IN THE MATTER OF THE ESTATE OF LATE JONAH HEZEKIAH OUGO OCHIENG (DECEASED)

ALICE ATHIENO OUGO.....1ST PETITIONER

LUCY ADHIAMBO OUGO.....2ND PETITIONER

FRED OUGO.....3RD PETITIONER

RULING ON SUMMONS FOR CONFIRMATION OF GRANT

1. On 26th October, 2021, this court issued a grant of letters of administration intestate of the estate of the late **Jonah Hezekiah Ougo Ochieng**, jointly to **Alice Athieno Ougo, Lucy Adhiambo Ougo and Fred Ougo** who are widow, daughter and son to the late Jonah Hezekiah Ougo Ochieng, to administer that estate in accordance with the law. The court also guided that the administrators were at liberty to apply for confirmation of the grant before elapse of six months upon identifying all the assets of the estate and the beneficiaries thereof.
2. The above grant was issued after the initial grant issued to the widow Alice Athieno Ougo was revoked and the Petitioner directed to petition for a fresh grant.
3. On 14th December, 2021, the Petitioners/Administrators filed summons for confirmation of the grant issued on 26/10/2021. They also filed consent to the mode of distribution of the estate signed by some beneficiaries as well as the schedule of distribution of the material estate.
4. In the affidavit of distribution of the estate, it was deposed by the administrators that the survivors of one of the deceased beneficiaries, one John Akelo Ougo had renounced their interest in the present estate.
5. The late John Akelo Ougo was a son to the deceased Jonah Hezekiah Ougo Ochieng. He is survived by a widow Rose Edwina Atieno Ougo and her two sons Odhiambo Okech Ougo and Chiwo Ochieng Ougo.
6. Regrettably, no affidavit of renunciation of their interest in the estate of Jonah Hezekiah Ougo Ochieng was filed with the summons for confirmation of the grant. The court directed that such renunciation must be filed in court before consideration of the summons for confirmation of the grant.
7. On 25/1/2022, this court received two affidavits sworn by Odhiambo Okech Ougo and Chiwo Ochieng Ougo respectively, both sworn on 19/1/2022 at Nairobi. In the said affidavits, the deponents depose that they are sons of John Akelo Ougo and that they are adults who have relinquished their respective interests in the estate of their late grandfather Jonah Hezekiah Ochieng Ougo in which their father had a beneficial interest. It therefore follows that there is no objection or protest pending against the confirmation of grant issued on 26/10/2021.
8. This court then proceeded and interviewed each of the listed and identified beneficiaries of the estate of the Late Jonah Hezekiah Ougo Ochieng who were all present in court physically with the exception of Charlotte Akinyi who was present virtually from Nakuru and all the beneficiaries were asked to present to court for verification, which they did, their identification documents. All the beneficiaries confirmed that they were agreeable to the mode of distribution of the estate of the deceased Jonah Hezekiah Ougo Ochieng as proposed. Apart from the administrators, the other beneficiaries as listed also signed consent to the mode of distribution of the estate as proposed in the schedule contained in the affidavit sworn by the administrators and filed in court on 14/12/2021. The beneficiaries include the widow, her children Lucy Adhiambo Ougo, Sophie Atieno Ougo, Fred Ougo, David Mbogo Ougo and Loice Mbewa Ougo and grandchildren June Charlotte Akinyi and Jackson Ochieng (children of the late Emily Ougo).
9. One, Jackson Ochieng who did not have his identification documents on 25/1/2022 was directed to avail the same to court for verification and on 30/1/2022, he presented himself and his documents before the Deputy Registrar of this court and his particulars were verified and placed before this court. His full name from the Huduma Card No. 1027999342 is Jackson Ochieng Onyango.

10. The deceased Jonah Hezekiah Ougo Ochieng died intestate. He was monogamous. The widow Alice Athieno Ougo and her children and grandchildren who are beneficiaries, except the two grandsons and the only two sons of the late John Akelo Ougo who have renounced their interest in the estate, have agreed on the proposed mode of distribution of the estate. The administrators also confirmed to court that they had not left out any asset or beneficiary in the proposed distribution of the estate.

11. The administrators also deposed that there is no outstanding estate duty payable to the Commissioner of Lands in respect of the deceased's estate and that neither is there any pending application for dependency on the estate.

12. In addition, I observe that no protest has been filed to the making of grant or issuance of Certificate of Confirmation of the grant issued to the administrators on 26/10/2021.

13. The widow Alice Athieno Ougo who is also the 1st administratrix is elderly and sickly. It is therefore important that the estate of the deceased is fully distributed to cater for the interests and needs of each of the identified beneficiaries.

14. For the above reasons, I hereby find the Summons for Confirmation of Grant dated 14th December 2021 merited. I confirm the grant issued on 26/10/2021 and direct the administrators to ensure that the estate of the late Jonah Hezekiah Ougo Ochieng is fully distributed in accordance with the proposed schedule of distribution filed in court on 14/12/2021 and in accordance with the **Law of Succession Act**, save that the widow Alice Athieno Ougo shall, in addition, have a life interest in her homestead which is also her matrimonial home such that the property in question being **West Asembo/Siger/3332 shall not be sold or disposed of during her lifetime.**

15. The estate to be fully distributed within six months from the date hereof.

16. A Certificate of Confirmation of Grant to issue forthwith, reflecting the contents of this Ruling.

17. I so order.

Dated, signed and Delivered at Siaya this 14th Day of February, 2022

R.E. ABURILI

JUDGE