



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT HOMA BAY**

**PROBATE & ADMINISTRATION NO.835 OF 2015**

**IN THE MATTER OF THE ESTATE OF: ANDREW OGWEL.....  
DECEASED**

**BETWEEN**

**CHARLES ANDREW MBOYA..... OBJECTOR**

**AND**

**DANIEL OJJO OGWEL..... PETITIONER**

**RULING**

1. On 20<sup>th</sup> September, 2016, Charles Andrew Mboya filed an objection to the confirmation of grant dated 19<sup>th</sup> September, 2016. The objection was premised on the following grounds:

- a) That the petitioner did not receive consent of the family members.
- b) That the guarantors were complete strangers.
- c) That the succession cause was secretly filed.
- d) That some beneficiaries were left out.
- e) That strangers were included as beneficiaries.

2. The objector passed on before the objection could be heard and determined. The court was informed about his demise on 24<sup>th</sup> February, 2018. It is over four years now and no steps have been taken to substitute him.

3. I therefore find that the application has abated.

4. The grant is issued to the petitioner with no orders as to costs.

**DELIVERED AND SIGNED AT HOMA BAY THIS 8TH DAY OF FEBRUARY, 2022**

**KIARIE WAWERU KIARIE**

**JUDGE**