



REPUBLIC OF KENYA



In re Estate of Zakiel Oyombe Mlando alias Oyombe Milando (Deceased) (Miscellaneous Succession Application E064 of 2024) [2024] KEHC 14317 (KLR) (18 November 2024) (Ruling)

Neutral citation: [2024] KEHC 14317 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION APPLICATION E064 OF 2024**

RE ABURILI, J

NOVEMBER 18, 2024

**IN THE MATTER OF THE ESTATE OF ZAKIEL OYOMBE
MILANDO ALIAS OYOMBE MILANDO (DECEASED)**

AND

**IN THE MATTER OF AN APPLICATION BY GEORGE
MILANDO OYOMBE – PETITIONER/APPLICANT**

(Arising from Kisumu HC Court Succession No. 489 of 2014)

RULING

1. This Court has asked the Applicant whether he knows why he is before the Court and it is clear that he has no clue why he is before the Court.
2. He obtained grant in 2014 and he has done nothing with the said grant.
3. In court are a son to the Applicant's late brother, and the applicant's mother who is aged and can hardly hear or comprehend the proceedings save that she knows her family well and recognizes her two daughter in laws who are widows to her late son. She also says that she bore 8 children, two boys and six daughters and that one daughter died while young while her elder son died and left two widows and children.
4. It is clear that not all assets of the estate of the deceased Zakiel Oyombe Milando were listed in the Succession Cause No. 489 of 2014 and not all beneficiaries of the estate including daughters were included.
5. Accordingly, the Petitioner who had the grant confirmed on 29th October 2015 and in the Certificate of confirmation of grant, he only listed Parcel No. Kisumu/Seme Katieno/1598 as the sole asset which he gave to himself; and he now has come up with 5 other parcels of land to be included, clearly failed to disclose material facts to the court when he petitioned for grant and he does not comprehend the purpose for which he obtained the grant as confirmed, which grant has since become



useless and inoperative. This is because the applicant has never administered the estate which has many beneficiaries who were left out of the list provided to Court.

6. There are no consents or renunciations from the beneficiaries who may be uninterested in the estate and there is no evidence that the applicant consulted other beneficiaries when petitioning for the grant in 2024.
7. Accordingly, the grant issued on 1st October 2014 and confirmed on 29th October 2015 to George Milando Oyombe to administer the estate of Zakiel Oyombe Milando a.k.a Oyombe Milando (deceased) who died in 1996 is hereby revoked and annulled on the court's own motion as it became useless and inoperative.
8. The Petitioner to consult all beneficiaries of the estate including daughters and the family of his late brother and petition afresh for a grant with the concurrence of all beneficiaries.
9. The grant and certificate of confirmation as issued in HC Succession Cause No. 489 of 2014 are hereby recalled and cancelled.
10. This Ruling to be typed and supplied to the Petitioner and the other beneficiaries.
11. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

