



REPUBLIC OF KENYA



In re Estate of Joseph Daniel Olewe Owiti (Deceased) (Miscellaneous Succession Cause E092 of 2024) [2024] KEHC 14202 (KLR) (15 November 2024) (Ruling)

Neutral citation: [2024] KEHC 14202 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E092 OF 2024
RE ABURILI, J
NOVEMBER 15, 2024
IN THE MATTER OF THE ESTATE OF JOSEPH DANIEL OLEWE OWITI (DECEASED)
AND
IN THE MATTER OF AN APPLICATION BY MONICA ADHIAMBO OLEWE - PETITIONER**

RULING

1. I have perused the application by way of Summons for rectification of grant dated 14th November 2024. I find no urgency disclosed in the application. I decline to certify it as urgent.
2. However, on the merits of the application, I observe that this is a non-contested Succession Cause where the Applicant is not the sole beneficiary of the estate of the deceased Joseph Daniel Olewe Owiti and that all beneficiaries have consented as adults vide the consent dated 24th October 2024.
3. The Applicant was issued with a grant to administer the estate of the deceased in Kisumu HC P&A No. 13 of 2018 on 27th June 2021 which grant was confirmed on 1st October 2018 and exactly 5 years ago, she returned to court seeking for rectification of that grant, which rectification was done on 14th November 2019.
4. From the supporting affidavit, Land Parcel No. East Gem/Nyamninia/2634 was not included in the distribution schedule during confirmation of the grant because there was pending litigation vide Siaya CM ELRC Case No. E040 of 2021 between the Applicant and Bethwel Nyangao Wango and the District Land Registrar, Siaya.
5. That dispute has since been determined as shown by copy of Judgment and Decree annexed. The disputed land has also been transmitted to the Applicant.
6. Accordingly, I hereby allow the summons for rectification of grant dated 14th November 2024 and direct that a further rectified certificate of confirmation of grant do issue, showing that this matter is an offshoot of Kisumu HC Succession Cause No. 13 of 2018.
7. Ruling to be typed.



8. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 15TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

