



REPUBLIC OF KENYA



In re Estate of Charles Otuge Odongo & Absalom Olewe Odongo (Deceased) (Miscellaneous Succession Cause E074 of 2024) [2024] KEHC 13748 (KLR) (6 November 2024) (Ruling)

Neutral citation: [2024] KEHC 13748 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E074 OF 2024**

RE ABURILI, J

NOVEMBER 6, 2024

**IN THE MATTER OF THE ESTATE OF CHARLES OTUGE ODONGO AND
ABSALOM OLEWE ODONGO (DECEASED)**

AND

**IN THE MATTER OF AN APPLICATION BY GLADYS MIDECHE OLUNYU
AND BONFAS ODHIAMBO OLEWE (APPLICANTS/PETITIONERS)**

(ARISING FROM KISUMU HC SUCCESSION CAUSE NO. 1058 OF 2015)

RULING

1. The grant issued in Succession Cause No. 1058 of 2015 on 17th March 2016 was revoked on 30th May 2018 by F. A. Ochieng J under Section 76 (d) (i) of the *Law of Succession Act* and the matter closed as no steps had been taken by the Petitioners to apply for confirmation of the said grant which had long then become inoperative and useless.
2. The applicants are by their application dated 24th September 2024 seeking for extension of time to file application for confirmation of the grant.
3. As stated above, the grant was revoked and therefore there is nothing to be confirmed by extension of time.
4. Accordingly, the application dated 24th September 2024 is found to be without merit and the same is dismissed.
5. The Petitioners to get this Ruling and proceed to petition for a fresh grant to administer the estate of the deceased Charles Otuge Odongo.
6. I also note that there are two deceased persons in the cause herein being Charles Otuge Odongo and Absalom Olewe Odongo.



7. From the onset, succession cannot be undertaken for two estates jointly. The estates are different even if the properties were co-owned. The family should therefore petition for two separate estates of the two deceased persons for administration of the said estates.
8. This file is closed.
9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF NOVEMBER, 2024.

R. E. ABURILI

JUDGE

