



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Julius Opon Abwanda (Deceased) (Miscellaneous Succession Cause E101 of 2024) [2024] KEHC 15477 (KLR) (5 December 2024) (Ruling)

Neutral citation: [2024] KEHC 15477 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E101 OF 2024
RE ABURILI, J
DECEMBER 5, 2024
MISC. SUCCESSION CAUSE NO. E101 OF 2024
IN THE MATTER OF THE ESTATE OF JULIUS OPON ABWANDA DECEASED)
AND
IN THE MATTER OF AN APPLICATION BY TOBIAS ONGANY ABWANDA
IN THE MATTER OF
TOBIAS ONGANY ABWANDA APPLICANT
(Arising from Kisumu High Court Succession Cause No. 319 of 2013)

RULING

1. The application dated 22nd November 2024 seeks orders for setting aside the orders of 9th April 2018 dismissing the Petition and for the Petitioner to file summons for confirmation of grant issued in Succession Cause No 319 of 2013.
2. I have considered the application which is filed 6 years after dismissal under Section 76 of the [Law of Succession Act](#).
3. The applicant is guilty of laches. The grant if any was issued, never operated, it was useless for the period todate.
4. The application is declined and dismissed on the court's own motion.
5. The Applicant to petition the court for a fresh grant. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 5TH DAY OF DECEMBER, 2024

R. E. ABURILI



JUDGE

