



REPUBLIC OF KENYA



In re Estate of Martin Orwa Opiyo (Deceased) (Miscellaneous Succession Cause E102 of 2024) [2024] KEHC 15380 (KLR) (5 December 2024) (Ruling)

Neutral citation: [2024] KEHC 15380 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E102 OF 2024**

RE ABURILI, J

DECEMBER 5, 2024

IN THE MATTER OF THE ESTATE OF MARTIN ORWA OPIYO (DECEASED)

AND

**IN THE MATTER OF AN APPLICATION BY AGNES
ODAA AND DOMNIC OPIYO ORWA - APPLICANTS**

(Arising from Kisumu High Court Succession Cause No. 184 of 2007)

RULING

1. The summons for rectification of grant dated 3rd December 2024 is declined and dismissed for reasons that the Petitioner obtained a grant which was confirmed on 18th February 2008 which grant was defective in substance. Only one asset of the estate of the deceased was included yet there were 7 other assets. The Petitioner is guilty of material non-disclosure and the grant issued on 29th June 2007 and confirmed on 18th February 2008 became useless and inoperational and is incapable of being rectified sixteen years later. It is hereby revoked and annulled under Section 76 of the [Laws of Succession Act](#).
2. The Petitioner and other beneficiaries of the estate of the deceased Martin Orwa Opiyo to petition for a fresh grant and list all assets and identify all beneficiaries of the estate.
3. Distribution of the estate must be to each individual beneficiary, not to the Petitioner as sole owner/beneficiary as seen in the current proceedings.
4. This file is closed.

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

R. E. ABURILI

JUDGE

