



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

SUCCESSION CAUSE NO. 75 OF 2016

CORAM: HON. R.E. ABURILI J

IN THE MATTER OF THE ESTATE OF WILLIAM WANJELAOPENDA ALIAS

WANJELA OPENDA (DECEASED)

AND

IN THE MATTER OF AN APPLICATION BY:

NOEL OPENDA.....OBJECTOR/APPLICANT

VERSUS

MARGARET ALUOCH ONGETA.....1ST RESPONDENT

JENNIFER ABUTU OWANDE.....2ND RESPONDENT

RULING

1. The proceedings in the file conducted by Hon. J.A Makau J and concluded on 24/11/2017 confirming the grant in favour of the two Respondents herein are clear that the Respondents were to hold the estate of the deceased in the ratio of 50:50 and each to be joint owner and to hold the same in trust for each one's respective household.
2. That being the case, a grant issued and confirmed where the Applicant has a beneficial interest, she is covered by the Confirmation Order.
3. In the event that she is being disinherited, she has a right to sue for her share in the trust Estate and not to seek for revocation of the grant.
4. Accordingly, the application dated filed on 3/2/2021 be and is hereby found to be incompetent and is hereby dismissed with no orders as to costs.
5. File closed.
6. Orders accordingly.

Dated, signed and Delivered at Siaya this 1st Day of March 2021

R.E. ABURILI

JUDGE

In the Presence of:

Applicant and her counsel Ms. Orao Advocate

1st & 2nd Respondents and their counsel Miss Obware Advocate

Court Assistants: Ms. Modestar and Mr. Mboya