



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISCELLANEOUS SUCCESSION CAUSE NO. E003 OF 2021

CORAM: R.E. ABURILL J

IN THE MATTER OF THE ESTATE OF WALTER ODEDE NDONGA (DECEASED)

AND

IN THE MATTER OF AN APPLICATION BY:

MARY CONSOLATA AKINYI.....1ST PETITIONER

KELVIN OMONDI ODEDE.....2ND PETITIONER

FIONA NYOMENYA ODEDE.....3RD PETITIONER

EDWIN AGOLA ODEDE.....4TH PETITIONER

RULING

1. The Petitioners herein Mary Consolata Akinyi, Kelvin Omondi Odede, Fiona Nyomenya Odede and Edwin Agola Odede are widow and children of the deceased Walter Odede Ndonga respectively.
2. The deceased died on 11.5.2019 and they have jointly petitioned for a grant of letters of administration intestate.
3. They have also applied for a limited grant *ad colligenda Bona* vide their application dated 11/5/2021 on the grounds that although they have petitioned for a full grant, they urgently need to access some money held at Equity Bank to enable them pay for school fees.
4. In addition, that they wholly depended on the deceased and that since his demise and the advent of covid-19 virus, they had not accessed the funds which is urgently needed to cater for school fees, their daily needs, transport and clothing. The application is supported by affidavit sworn by Mary Consolata Akinyi, the widow to the deceased. She has also annexed documents in support of her application.
5. The 3 children who are her co-petitioners are aged between 34 years and 20 years.
6. Several properties of the deceased are listed in paragraph 12 of the affidavit in support including money held in Equity Bank, Account No. [xxxxxxxxxxxxxxxx], Kisumu Branch. She has annexed the account's documents marked as "MCA 18" and deposed that the family needs Kshs. 1,072,500/= urgently as tabulated in paragraph 24 of her affidavit.
7. I have considered the application for a limited grant *ad colligenda Bona*, the grounds in support thereof and the supporting affidavit and annexures.
8. I am satisfied that the Applicants/Petitioners have made out a case for grant of the orders sought and to account to the estate of the deceased all monies accessed from the said account.
9. I grant the prayer sought and order that pending issuance of a full grant of letters of administration estate to the estate of the deceased Walter Odede Ndonga, a limited grant (*ad colligenda Bona*) be and is hereby issued to the four Petitioners herein jointly namely: Mary Consolata Akinyi; Kelvin Omondi Odede, Fiona Nyomenya Odede and Edwin Agola Odede limited for purposes of accessing funds up to a maximum of Kshs. 1,200,000/= one million, two hundred thousand only from Equity Bank, Kisumu Branch Account No. 0290197072499 belonging to and operated by the deceased Walter Odede Ndonga, for purposes of meeting the needs stipulated in the application.
10. The Petitioners to expeditiously process the petition herein for purposes of obtaining a full grant.

11. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 6TH DAY OF JULY, 2021

R.E. ABURILI

JUDGE