



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**SUCCESSION CAUSE NO. 74 OF 2000**

**IN THE MATTER OF THE ESTATE OF BUSHURU ESHITABULE JARED (DECEASED)**

**RULING**

1. Representation to the intestate estate herein was committed to Noah Bushuru Shitabule and Jane Wakwera Otengo on 10<sup>th</sup> April 2000, and a grant of letters of administration intestate was duly issued, on even date.
2. The 2 administrators, Noah Bushuru Shitabule and Jane Wakwera Otengo, mounted a Motion, dated 19<sup>th</sup> October 2000, for confirmation of their grant. That application was granted on 19<sup>th</sup> October 2000, and the estate was devolved in the manner proposed in the application, and a certificate of confirmation of grant was issued of even date.
3. No action was taken in the matter since October 2000, until 13<sup>th</sup> July 2019, when Noah Bushuru Shitabule filed a summons for revocation, dated 13<sup>th</sup> July 2019, of the certificate of confirmation of grant dated 19<sup>th</sup> October 2000, and nullification of the transmission that was based on that certificate, and a fresh distribution of the estate.
4. I am invited to determine a preliminary objection to that summons for revocation. The confirmation of grant that is sought to be overturned, was obtained on the basis of an application that was brought by the applicant in the revocation application. It was his application. He now seeks to overturn what he invited the court to do, to distribute the estate based on his proposals, which the court endorsed. I find it odd that he is moving 20 years later to complain. If he was diligent as an administrator, he would have brought the application earlier. The issues he is raising now ought to have been raised 20 years ago. He has totally failed as administrator.
5. I agree that the summons is in abuse of court process. There should be an end to litigation. I hereby strike out the summons for revocation. Each party shall bear their own costs.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 17TH DAY OF SEPTEMBER 2021**

**W MUSYOKA**

**JUDGE**