

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

SUCCESSION CAUSE NO. 1 OF 2019

(CORAM: R. E. ABURILI - J.)

IN THE MATTER OF THE ESTATE OF THE LATE ONYANGO ONUNGO (DECEASED)

IN THE MATTER OF APPLICATION BY JOSEPH OLAWO ABALO, JOHN

ONYANGO ABALO, SAMSON OSWETA ABALO AND JOSEPH OWUOR ABALO

AND

IN THE MATTER OF LAND PARCEL NORTH SAKWA/NYAWITA/819

AND

IN THE MATTER OF APPLICATION FOR REVOCATION OF GRANT

RULING

1. The Application by way of summons for revocation of grant dated 15th January 2019 is also supported by the affidavit of Joseph Olawo Abalo on the purported authority of Samson Asweta Abalo, John Onyango Abalo and Joseph Owuor Abalo filed on the 30/1/2019. However, the said authority is not signed. It is also not dated. Whereas the undating of the document is curable by the subsequent filing thereof, the failure to sign a document is fatal as there is no authentication or ownership of the document.
2. In addition, the grant which is sought to be revoked is not annexed to the summons for revocation of grant.
3. Accordingly, I find the Application/summons for revocation of grant dated 15/1/2019 fatally incompetent. The same is hereby struck out with no orders as to costs.
4. The Applicant is nonetheless advised to file a proper application before the relevant court as the Magistrate's Court that is alleged to have issued the impugned grant has jurisdiction to entertain an application for revocation of grant.

Orders accordingly.

Dated, Signed and Delivered in open court at Siaya this 13th Day of February 2019.

R.E. ABURILI

JUDGE