

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUSIA

PROBATE & ADMINISTRATION NO. 22 OF 2010

IN THE ESTATE OF:

GEORGE ERNEST WASIKE OCHOKOLO.....DECEASED

BETWEEN

DAVID OPORONG GEORGE.....PETITIONER

AND

CHRISTOPHER OMODING OCHOKOLO.....OBJECTOR

RULING

1. On 17th April 2018, Christopher Omoding Ochokolo, the objector herein filed an objection to the confirmation of the grant issued herein on 10th July 2012 to four administrators who include the objector herein. From his objection I was able to identify the following concerns:

- a) That not all property of the estate of the deceased herein have been included.
- b) That there is an issue of other property, owned by the deceased jointly with others, which has not been determined.
- c) That the proposal of distribution has not catered for some heirs.

2. The application was opposed by the petitioner/respondent.

3. I have perused the affidavits of both parties and the record. What has emerged is that before an application for confirmation is entertained, the issues raised in the objection need to be resolved.

4. I will therefore allow the application and direct that the parties and their counsel to address the issues raised and file an application for confirmation within 60 days failure to do so, the grant will be revoked without reverting to the parties.

5. The costs of this application to be in the cause.

DELIVERED and SIGNED at BUSIA this 4th day of February, 2019

KIARIE WAWERU KIARIE

JUDGE