



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KITALE**

**MISC. SUCCESSION CAUSE NO. 32 OF 2015**

**IN THE MATTER OF THE ESTATE OF THE LATE ABRAHAM OKONDA OKUYOSI.....DECEASED**

**AND**

**IN THE MATTER OF A CITATION IN RESPECT OF HIS ESTATE**

**BETWEEN**

**PAUL MUSYOKA KALOKI.....APPLICANT/RESPONDENT**

**AND**

**PHYLIS AMWAYI OKUYOSI.....1ST RESPONDENT/APPLICANT**

**CATHERINE NASIMIYU.....2ND RESPONDENT/APPLICANT**

**RULING**

1. This is an application for citation. The Citor claims that he purchased land parcel **No. Kakamega/Nzoia/340** from the deceased **Abraham Okonda Okuyosi**. He attached 4 handwritten sets of sale agreement.
2. Apparently the deceased seemed to have died before effecting transfers. Its alleged that the Citees are Successors to his estate by virtue of their relationship with the deceased.
3. The Citees are claiming that the deceased did not leave behind any estate and thus the citation proceedings are annulity. There is a matter namely Kitale Environment and Land Case No. 69 of 2015 pitting the parties herein.
4. Taking into consideration the prima facie evidence herein and specifically the Sales agreements between the deceased and the Citor and considering the Provisions of Section 66 of the Succession Act Cap 160 I am satisfied that the application herein is meritorious.
5. The same is therefore allowed. The Citees are ordered to take out letters of Administration of the Estate of the late Abraham Okonda Okuyosi within the next 30 days and in default the Citor Paul Musyoka Kaloki be at liberty to do so.
6. Costs in the cause.

**Delivered, signed and dated at Kitale this 3<sup>rd</sup> day of April, 2019.**

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**H.K. CHEMITEI**

**JUDGE**

**03/4/19**

**In the presence of:**

**Mr. Wanyama holding brief for Ambutsi for Respondent**

**No appearance for the Applicant**

**Court Assistant – Kirong**

**Ruling read in open court.**