

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 2963 OF 2015

IN THE MATTER OF THE ESTATE OF GEOFFREY ORIARO

JAMES NJOROGE GITHINJI.....INTERESTED PARTY

R U L I N G

1. Before court is application seeking for revocation of grant that was issued on the 16th of March 2016 and confirmed on the 1st of November 2017.

2. From the record the deceased **Geoffrey Oriaro** was an advocate and **James Njoroge Githinji** his client in a transaction involving sale of property **L.R. No. 209/85445/12**. The Applicant's claim is that the advocate received proceeds of sale but at the time of his death had not released the same to him.

3. The Applicant further claims that prior to filing of this petition, the widow of the deceased one **Elizabeth Akinyi Ochola** and a lawyer **George Bwonyere Akoto** filed for letters *ad colligenda bona* in succession cause **No. 2759 of 2015**. M/s Akoto & Akoto Advocates had been appointed by the Law Society of Kenya to wind up the law firm of the deceased which excise would have included paying up any creditors, such as the Applicant.

4. It is to be noted this court was not availed of any documents to support the information in 3 above.

5. That notwithstanding it is unfortunate that despite service of process neither Akoto & Akoto Advocates nor the widow appeared in court to explain why the Applicant was not paid as the initial petition did indeed indicate accounts in the names of the deceased law firm as part of assets.

6. In a bid to resolve this matter and to appreciate the circumstance surrounding non-payment, I will defer my ruling on the application and summon the following people to court:

a) **George Bwonyere Akoto**

b) **Elizabeth Akinyi Ochola, and**

c) **Gerald Latemo Oriaro.**

7. The summons will be effected upon them personally to appear before court at the next hearing of the matter.

8. Further Deputy Registrar of the Family Division is hereby directed to avail file number 2759 of 2015 at the next hearing of the matter.

DATED, SIGNED and DELIVERED at NAIROBI this 16th DAY OF May, 2019.

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ALI-ARONI

JUDGE