

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

MISCELLANEOUS APPLICATION NO. 182 OF 2015

FRANCIS OUMA ODERO.....CITOR/ APPLICANT

VERSUS

WAFULA OBWANA

MANGENI OBWANA.....CITEES/ RESPONDENTS

RULING

1. After the respondents were served with a citation requiring them to accept or refuse to file a succession cause in respect of the estate of Yakobet Obwori Obwana, deceased, their first reaction was to deny any knowledge of the deceased. They filed an affidavit dated 29th January 2016 to that effect. However, an undertaking by Mangeni Obwana Aringo dated 21st January 2016 was filed on 18th February 2016.
2. There are issues that have been pointed out by the citees which cannot be adjudicated at this stage. The two respondents signed the agreement in which the citor is basing this application on.
3. I therefore order that the citees to file a succession cause in respect of their mother's estate within 60 days failure of which the citor may be at liberty to move the court appropriately. Costs of the application to the citor.

DELIVERED and SIGNED at BUSIA this 8th day of May, 2018

KIARIE WAWERU KIARIE

JUDGE