



**IN THE HIGH COURT OF KENYA AT BUSIA**

**PROBATE & ADMINISTRATION NO. 61 OF 2001**

**IN THE ESTATE OF ANDREA SAROM ..... DECEASED**

**BETWEEN**

**FREDRICK O. OJUMA ..... PETITIONER/RESPONDENT**

**AND**

**CHARLES E. OJUMA ..... OBJECTOR**

**RULING**

**CHARLES E. OJUMA** , the objector herein filed an application dated 26<sup>th</sup> September 2013 for revocation and annulment of the grant dated 2<sup>nd</sup> December 2002 premised on the following grounds:

1. That the petitioner/ Respondent failed to disclose that the deceased had two wives.
2. That the petitioner/ Respondent failed to disclose the list of all heirs.
3. That the issuance was defective in both form and substance.

The application was opposed by the petitioner/ respondent who contended that though the objector and his siblings inherited their father's estate in Uganda, he nevertheless provided for them.

Though the objector contended that the petitioner acted in secrecy, I find him not truthful. He participated with the petitioner in selling part of the estate to Joseph Etyang Opakasi. Though this offended section 45 of the Law of Succession Act, it is an indicator that he was at all times consulted.

The petitioner has provided for both houses equally. There being no affidavit from the other siblings of the objector in support of the objection, it is clear that they are satisfied with the proposed distribution. He cannot claim to have their authority to act on their behalf.

From the foregoing analysis of the evidence, I am satisfied that the application by the objector lacks merit. I accordingly dismiss it. Each party to bear own costs.

**DELIVERED and SIGNED at BUSIA this 17<sup>th</sup> day of July, 2017**

**KIARIE WAWERU KIARIE**

**JUDGE**