

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUNGOMA
SUCCESSION CAUSE NO. 553 OF 2014

IN THE MATTER OF

ADRIANO WEKESA MUGANDA (alias)

ANDIANO WEGESA MUGANDA.....DECEASED

VERSUS

FREDRICK WAFULA WEKESA

CYRIL SUDI WEKESA.....PETITIONERS

VERSUS

CLETUS SUDI JUMA.....RESPONDENT

RULING

[1]. When **ADRIAN WEKESA MUGANDA** died on 15/05/2007, his sons **FREDRICK WAFULA WEKESA** (1st Petitioner) and **CYRIL SUDI WEKESA** (2nd Petitioner) petitioned for grant of letters of administration on 4th December 2014. However, before the grant could be confirmed **CLETUS SUDI JUMA** filed an objection on 17/12/2014 which was only served on the 1st Petitioner.

[2]. The 2nd Petitioner got to learn about the matter in the year 2016 after he checked at the registry to establish the progress of the file. It is the petitioners contention that two years have lapsed and the objector has not prosecuted his objection, and urges this court to dismiss it.

[3]. The respondent/objector was served with this application dated 22/06/2016 seeking dismissal of his objection on 06/12/2016 through his last known address, the document has never been returned unclaimed.

A perusal of the court record shows the file has been dormant since it was filed and only came up on 02/03/2017 at the motion of the applicant. The only inference I can draw is that the objector has list interest in the motion, so his objection dated 17/12/2014 be and is hereby dismissed for want of prosecution.

Delivered and dated this 12th day of July, 2017 **Bungoma**.

H. A. OMONDI

JUDGE.