



IN THE HIGH COURT AT MIGORI

SUCCESSION CAUSE NO. 441 OF 2014

(FORMERLY MIGORI SPM SUCCESSION CAUSE NO. 4 OF 1992)

IN THE MATTER OF THE ESTATE OF

WILSON MASUBO CHACHA (DECEASED)

BETWEEN

SUSAN ORINA MASUBO APPLICANT

AND

LAWRENCE ODHIAMBO MASUBO RESPONDENT

RULING

1. The application before the Court seeks to revoke of the grant of letters of administration issued in ***Migori SPM Succession Cause No. 4 of 1992*** in respect of the estate of the deceased on the ground that two certificates of grant of letters of administration cannot be issued in respect of one estate.
2. The first grant was issued to Susan Orina Masubo, a wife of the deceased, who applied for letters of administration in ***Migori SPM Succession Cause No. 4 of 1992***. The grant issued is dated 4th March 1992.
3. The second one is a confirmed grant dated 11th June 2007 issued to Lawrence Odhiambo Masubo, a son of the applicant, who filed ***Migori SPM Succession Cause No. 148 of 2002***.
4. The original grant issued to Susan Orina Masubo was never revoked hence the second grant issued to Lawrence Odhiambo Masubo should never have been issued. There is therefore a defect in the manner in which the grant was issued and I therefore exercise the power to revoke the grant issued in ***Migori SPM Succession Cause No. 148 of 2002*** under **section 76** of the ***Law of Succession Act (Chapter 160 of the Laws of Kenya)***.
5. From the record, the parties do not dispute that the deceased had four wives and several children. The issue of distribution of the deceased's property must now be dealt with and in order to accommodate all the members of the family, I make the following orders;
 - a. The grant of letters of administration issued to Lawrence Odhiambo Masubo in ***Migori SPM Succession Cause No. 148 of 2002*** and confirmed on 11th June 1972 is hereby revoked.
 - b. The grant issued to Susan Orina Masubo in ***Migori SPM Succession Cause No. 4 of 1992*** dated 4th March 1992 is hereby revoked.

- c. A fresh grant be and is hereby issued to Susan Orina Masubo, Lawrence Odhiambo Masubo and Simeon Maucha Masubo to be administrators of the estate of the deceased.
- d. Within 30 days from the date hereof, the administrators or any of them shall apply for confirmation of the grant.
- e. There shall be no order as to costs.

DATED and **DELIVERED** at **MIGORI** this 17th day of October 2014.

D.S. MAJANJA

JUDGE

Mr Marwa instructed by Kerario Mwarwa and Company Advocates for the applicant.

Lawrence Odhiambo Masubo, respondent in person.