



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
OF KISII**

**Miscellaneous Application 200 of 2009**

**IN THE MATTER OF: THE ESTATE OF NYAKWAKA OYOO & OLANGO OYOO  
?DECEASED(S)**

**AND**

**IN THE MATTER OF: REVOCATION OF GRANT OF LETTERS OF ADMINISTRATION**

**BETWEEN**

**ELIDAH ATIENO OJWANG**

**MASELLA OCHIENG RAYIER**

**JOHN ORWA.....OBJECTORS/APPLICANTS**

**AND**

**GEORGE ODHIAMBO NYAKWAKA.....PETITIONER/RESPONDENT**

**R U L I N G**

This application was served but there was no response preferred. The factual position as sworn in the supporting affidavit is therefore not controverted.

It was certainly wrong for the petitioner /respondent to seek to inherit two deceased persons using one succession cause. Each deceased person should have been subject of a separate cause.

The deceased persons were unrelated and died at different times. The deceased Olango Oyoo was survived by the objectors/applicants whom the respondent failed to disclose or provide for. The respondent did not indicate his relationship with the deceased in form P&A 80, and the applicants state that he is not the son of the deceased. The applicants have indicated that the subordinate court entertained a cause whose subject matter was well in excess of Kshs. 100,000/=.

For all these reasons, the Grant issued herein is ordered revoked. The application is allowed with costs.

Dated, signed and delivered at Kisii this 3rd day of November, 2009

**A.O.MUCHELULE**

**JUDGE**

3/11/2009

**3/11/2009**

Before A.O.Muchelule-J

Mongare court clerk

Mr. Oguttu p-present

**COURT:** Ruling in open court.

**A.O.MUCHELULE**

**JUDGE**

**3/11/2009**