



**In re Estate of Joshuwa Ongonga Gor (Deceased) (Probate & Administration
1177 of 2015) [2025] KEHC 13871 (KLR) (18 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13871 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
PROBATE & ADMINISTRATION 1177 OF 2015**

JM OMIDO, J

SEPTEMBER 18, 2025

IN THE MATTER OF THE ESTATE OF JOSHUWA ONGONGA GOR (DECEASED)

AND

IN THE MATTER OF AN APPLICATION FOR REINSTATEMENT OF GRANT

IN THE MATTER OF

SILVIA AWUOR ONGONGA PETITIONER

RULING

1. The Applicant's Notice of Motion dated 7th April, 2025 is expressed to be brought under Article 159 of *the Constitution*, Section 47 of the *Law of Succession Act* Cap 160 Laws of Kenya and Rule 73 of the Probate and Administration Rules and all other enabling provisions of the law and seeks the following orders:
 - a. [Spent].
 - b. That this Honourable Court do vacate the orders made on 30th May, 2018 closing this matter for inaction by the parties for over one year.
 - c. That upon grant of prayer (b) hereinabove, this court be pleased to issue further directions as to the disposal of this matter forthwith.
 - d. That costs be in the cause.
2. The grounds upon which the application is premised are stated on its face and are in precis that although the Petition herein was filed on 15th November, 2015, the Petitioner, who has been ailing, failed to prosecute it to its logical conclusion as she did not have anyone to guide her through the attendant complex legal procedures and that she has now secured the services of Counsel and is ready to take the necessary steps to have the matter proceed to its logical conclusion.



3. The Petitioner further urges that she was never served with the requisite notice under Section 73 of the *Law of Succession Act* and was not aware that it had been listed for 30th May, 2018 for dismissal.
4. The application is supported by the Petitioner's affidavit sworn on 7th April, 2025 in which she restates and expounds on the above grounds.
5. Considering the nature of the matter and the reasons given, particularly that the Petitioner was not notified of the notice for dismissal and was therefore not aware of the proceedings of 30th May, 2018, I hereby exercise my discretion and allow the application, with the result that the order of 30th May, 2018 is hereby set aside and the petition reinstated for hearing.
6. This file will be mentioned on 12th November, 2025 for further directions on the petition. The Petitioner shall serve a mention notice upon all the concerned parties.
7. A further order is hereby issued that in the event that the Petitioner and/or her Counsel does not appear on the mention date, the order allowing the Notice of Motion dated 7th April, 2025 vide which the petition has been reinstated shall stand reversed and the application will be deemed to have been dismissed effective today's date.
8. Orders accordingly.

DELIVERED (VIRTUALLY), DATED & SIGNED THIS 18TH DAY OF SEPTEMBER, 2025.

JOE M. OMIDO

JUDGE

For Applicant: Ms. Mbeka for Mr. B. Otieno.

For Respondent: No appearance.

Court Assistants: Mr. Ngoge & Mr. Juma.

