



REPUBLIC OF KENYA



**In re Estate of Charles Etyang Ichani (Deceased) (Succession Appeal
1 of 2014) [2025] KEHC 15245 (KLR) (27 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15245 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT BUSIA

SUCCESSION APPEAL 1 OF 2014

WM MUSYOKA, J

OCTOBER 27, 2025

IN THE MATTER OF THE ESTATE OF CHARLES ETYANG ICHANI (DECEASED)

RULING

1. On 1st March 2024, a summons for confirmation of grant, dated 29th February 2024 was filed. It also sought rectification of the grant, to add aliases to the name of the deceased. That was done despite my ruling of 27th October 2023, whereby I had postponed the pending confirmation application, dated 6th June 2022. The filing of another confirmation application, in 2024, brought into being 2 summonses for confirmation of grant. I chose to consolidate the 2, and direct that the consolidated applications be disposed of *viva voce*.
2. The *viva voce* hearing commenced on 2nd July 2025, with Richard Rich Ichani on the stand. He was one of the administrators. He described the deceased as a polygamist, who had 2 wives, who he named as Sabencia Asikuku Ichani and Redempta Imujaro Amuya. He said that the deceased left 4 farms. He proposed what he called a fair and equal distribution. He said South Teso/Apokor/813 was not in the name of the deceased, at the time of his death, as it was registered in the name of Augustine Peter Oyile. He said that it had since been subdivided. He asserted that South Teso/Apokor/813 had never been in the name of the deceased.
3. During cross-examination, he said he lived on a portion of South Teso/Apokor/813, and that the deceased had also bought a portion of South Teso/Apokor/813. He said Francis Xavier had also bought his own portion from Augustine Oyile. He said South Teso/Apokor/28 was in the name of the deceased, and his mother, Sabencia Asikuku Ichani, lived there. He said the home of the deceased was situated on South Teso/Apokor/28. He explained that after Redempta Imujaro Amuya was married, in the 1980s, she was settled on South Teso/Apokor/1210, where the deceased put up a house for her. He stated that Dominic George was also settled on South Teso/Apokor/1210, with Redempta Imujaro Amuya a.
4. In re-examination, he said South Teso/Apokor/1210 was 14½ acres or 5.8 hectares, in size, and that that was where he was proposing Redempta Imujaro Amuya should get her share. He said that South



- Teso/Apokor/1210 should be shared equally between 5 individuals. He said that the property had been developed by the deceased during his lifetime.
5. Roseline Amusugut Ichani testified next. She was a daughter of the deceased, from the 1st house. She supported the proposals by Richard Rich Ichani. She said that Francis Xavier Ichani lived on their father's land at Apokor, whose number she could not recall. She said Richard Rich Ichani was on a separate parcel of land, whose details she did not disclose. She said Dominic George Ichani lived in the home of the 2nd house, on the same land with Redempta Imujaro Amuya.
 6. Redempta Imujaro Amuya followed. She was the 2nd widow of the deceased, whom she married in 1983. She testified that she stayed with the 1st widow, for 8 years, before she was moved, in 1987, to South Teso/Apokor/1210. She said that the deceased did not move her with any child. She said Dominic George was 5 years old in 1987, while Richard Rich Ichani was in Standard 3 in 1983. She said that she bought the Amukura plot, whose details were not disclosed, together with the deceased. She said that they developed the Amukura plot and moved in. She said that the house built for her in South Teso/Apokor/1210 was demolished in 2023. She said it was Dominic George who had possession of South Teso/Apokor/1210.
 7. During cross-examination, she testified that Richard Rich Ichani was given 8 acres in South Teso/Apokor/813, which she said was not in the name of the deceased as at the time of his death, but in the name of Augustine Peter Oyile. She said South Teso/Apokor/813 was subdivided by Richard Rich Ichani and Francis Xavier. She said that Francis Xavier did not buy South Teso/Apokor/813, for it had been bought by the deceased, who then gave it to them. She denied selling land at Kisoko.
 8. I have 2 confirmation applications to consider. One filed in 2022, and the other in 2024. Both are by Richard Rich Ichani. I shall consider the one for 2024 as the principal application. The deceased is said to have married twice, to Sabencia Asukuku Ichani, the 1st wife, and Redempta Imujaro Amuya, the 2nd wife. Both survived him, and are still alive. Sabencia Asukuku Ichani had 6 children; Redempta Imujaro Amuya did not have any. The 6 children are said to be Dominic George Ichani, Francis Xavier Ichani, Roseline Amusugut Ichani, Jude Thadeus Ichani, Godelia Tata Ichani and Tacisio Aswa Ichani.
 9. The deceased was said to have died possessed of 5 assets, being South Teso/Apokor/28, 1210, 1458 and 2261. It is proposed that South Teso/Apokor/28 be allocated to Tacisio Aswa Ichani, 2.58 acres, and Sabencia Asukuku Ichani, 2.92 acres; South Teso/Apokor/1210 to Redempta Imujaro Amuya, Dominic George Ichani, Jude Thadeus Ichani, Godelia Tata Ichani and Richard Rich Ichani, equally, each taking 2.92 acres; South Teso/Apokor/1458 to Roseline Asugutu Ichani, 2.92 acres, and Tacisio Aswa Ichani, 0.455 acres; and South Teso/Apokor/1458 to Francis Xavier Ichani, 2.925 acres.
 10. That distribution appears to be fairly equitable, as each of the survivors of the deceased gets, on average, 2.92 acres, which would be in the spirit of sections 35, 38 and 40 of the Law of Succession Act, Cap 160, Laws of Kenya.
 11. At the oral hearing, various other assets were mentioned, but those who mentioned them did not lay, before me, documents to establish their existence and availability for distribution, in these proceedings. I shall, in the circumstances, not reckon them in this distribution.
 12. I am persuaded that the orders sought, in the application, dated 29th February 2024, are for granting. I hereby allow the said application. The effect shall be that the grant herein is confirmed, and the estate shall be distributed in the manner proposed. A certificate of confirmation of grant shall issue accordingly. The administrators have 6 months to transmit the estate in terms of the orders above. The matter shall be mentioned on 27th April 2026, to confirm whether transmission will have happened, and for further directions. The application, dated 6th June 2022, is hereby dismissed.



13. Orders accordingly.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, THIS 27TH DAY OF OCTOBER 2025.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Onsongo, instructed by Obwoye Onsongo & Company, Advocates for Richard Rich Ichani.

Mr. Wanyama, instructed by Wanyama & Company, Advocates for Redempta Imujaro Amuya.

