



**In re Estate of Alwenyi Obanda (Deceased) (Succession Cause
8 of 2011) [2025] KEHC 15192 (KLR) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15192 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
SUCCESSION CAUSE 8 OF 2011
WM MUSYOKA, J
OCTOBER 23, 2025**

RULING

1. On 22nd April 2025, the applicant herein filed a summons for revocation of grant, dated 8th April 2025. The same was placed before the Deputy Registrar, on 22nd May 2022, and it was allocated 2nd July 2025, as the date when directions, on its disposal, were to be given by the Judge. Come 2nd July 2025, the applicant did not attend court, and the application, dated 8th April 2025, was dismissed for non-attendance.
2. He has now come back to court, by an application, dated 3rd July 2025, seeking to have the application, dated 8th April 2025, reinstated. His explanation is that he was unaware of the date, and he only came to get to know of it after the dismissal.
3. Cases belong to the parties, not the court. It is up to the parties to follow up on their matters. The applicant should have followed up with the registry on what was happening to the case, after he filed the application on 22nd April 2025. It would be inconceivable that, by 2nd July 2025, he had taken no steps to establish whether directions had been given on it. The excuse that he was unaware of it can only be described as lame.
4. I will exercise discretion only because this is a succession matter. It is a very old matter. It was initiated in 2011. The grant was confirmed in 2015. The estate should have been transmitted in the course of 2016, after which this file should have been closed. The court is being moved 10 years after the file should have been closed. The applicant should, in the circumstances, take it with some measure of seriousness.
5. I shall allow the application, dated 3rd July 2025, and reinstate the application dated 8th April 2025, but the applicant shall have to pay throwaway costs, of Kshs. 5,000.00, in the next 30 days. The matter shall be mentioned on 18th November 2025, for directions on the disposal of the application, dated 8th April 2025. Orders accordingly.

**DELIVERED VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 23RD
DAY OF OCTOBER 2025.**

W MUSYOKA



JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Ouma, instructed by BM Ouma & Company, Advocates for the applicant.

Mr. Anwar, instructed by Anwar & Company, Advocates for the administrator.

