



In re Estate of William Odundo Kiriri (Deceased) (Succession Cause E585 of 2023) [2025] KEHC 14762 (KLR) (Family) (9 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14762 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

SUCCESSION CAUSE E585 OF 2023

CJ KENDAGOR, J

OCTOBER 9, 2025

ESTATE OF WILLIAM ODUNDO KIRIRI – DECEASED

BETWEEN

ALOYCE ODUNDO APPLICANT

AND

BOAZ ODUNDO 1ST RESPONDENT

MARTHA AUMA 2ND RESPONDENT

EZEKIEL ODUNDO 3RD RESPONDENT

RULING

1. Mr. William Odundo Kiriri, deceased, died on 9th March, 2018 and was survived by two widows, Teresia Auma Odundo and Helida Olango Odundo, both of whom are now deceased as well.

2. The family of the deceased is as follows;

1st Wife- Teresia Auma Odundo (deceased)

Children;

- i. Alloyce Ogada Odundo
- ii. Richard Ochieng Odundo (deceased)
- iii. Anna Odundo (deceased)
- iv. Amina Odundo (deceased)
- v. Joseph Abonga Odundo (deceased)



- vi. Christopher Omondi Odundo
 - 2nd Wife – Helida Olango Odundo (deceased)
 - Children;
 - i. Ezekiel Otieno Odundo
 - ii. Simon Ochieng Odundo
 - iii. Phoebe Akoth
 - iv. Esther Akinyi
 - v. Joy Odundo
 - vi. Boaz Odundo
3. He had various properties in Nairobi, Homabay and Migori Counties.
 4. Several cases were filed over his estate at the High Court at Nairobi, Milimani Family Division;
 - i. HCC 11 of 2018 ; Teresia Auma Odundo & Aloyce Ogada Odundo vs Helida Olango Odundo & Ezekiel Odundo. The case concerned management of the estate’s property and income. It was marked as closed for want of prosecution. It was consolidated with P&A No. 232 of 2020
 - ii. P&A 232 of 2020; Petition by Helidah Olango Odundo for Grant of Probate with Will annexed (Original Will dated 23rd October 2017 deposited in Court) A grant was issued on 22nd June, 2020 to Helidah Olango Odundo. There is no action in the file post the issuance of the grant
 - iii. P&A E701 OF 2022; Filed by Teresa Auma Odundo & Aloyce Ogada. File was closed as it related to an existing cause
 - iv. P&A E585 OF 2023; (the present file) Petition for Grant of Letters of Administration Intestate filed by Aloyce Ogada Odundo and Helida Olango Odundo. Grant was issued on 11th March, 2025. Came up for Confirmation of Grant on 23rd June, 2025 and 15th July, 2025. In the application Aloyce asked that he, as the first born, hold all the assets of the estate in trust for all beneficiaries. A reply was filed by Boaz Odundo, Martha Auma Odundo and Ezekiel Odundo opposing the application; their response highlighted the existence of the other Succession Causes and argued that the deceased died testate. The application dated 11th June, 2025 by Aloyce Ogada Odundo is the subject of this ruling.
 5. The described scenarios illustrate a complicated situation where parallel causes have been filed concerning the same estate, leading to significant contention among the involved parties. Each house is quick to point fingers, blaming the other for their failure to involve them at the time of filing.
 6. The ensuing conflict not only complicates the resolution of the estate matters but also strains relationships among the parties who are the children of the deceased herein.
 7. This Court cannot confirm the grant issued in this matter, as having two full grants from different succession causes for the same estate is not allowed. The present cause should not have been filed when there was already another pending succession cause. It is puzzling how the Late Helida was a co-petitioner in this present cause, given that a grant was already issued to her in P&A 232 of 2020.



8. The application dated 11th June, 2025 seeking confirmation of the grant issued in this cause, is hereby struck out with no order as to the costs.
9. It is in the interest of justice that estate administration is conducted in a timely manner to be able to devolve the estate to the rightful beneficiaries. A Succession Court has inherent powers, primarily derived from Section 47 of the *Law of Succession Act* and Rule 73 of the Probate and Administration Rules, to make any orders necessary to achieve the ends of justice or prevent the abuse of court process.
10. To address the complexities associated with the duplicate causes and to provide necessary guidance for the thorough finalization of the estate administration of the Late William Odundo Kiriri, the matter will be mentioned before this court, alongside P&A 232 of 2020, on 18th November, 2025.
11. All beneficiaries who have a vested interest in the proceedings are required to attend to ensure that their concerns are adequately represented and considered.
12. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 9TH DAY OF OCTOBER, 2025.

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Mr. Christopher Omondi, Advocate for the Respondents

No attendance for the Applicant

