

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
SUCCESSION CAUSE NO. 2 OF 2023

IN THE MATTER OF THE ESTATE OF SOLOMON OTSIENG'I WANYANGA
(DECEASED)

RULING

1. I am called upon to determine a summons for confirmation of grant, dated 14th March 2025. It seeks confirmation of grant. It is at the instance of 3 of the administrators. It lists 2 widows of the deceased and 15 sons and daughters of the deceased, as survivors. The asset proposed for distribution is Samia/Buburi/420, measuring 17.5 hectares. It proposes distribution between the 2 houses of the deceased, and a purchaser, identified as Fredrick Fadey Oundo.
2. I note that 10 individuals have signed a consent, to support the application, being the 3 administrators, the 2 widows and Rosemary Nabongo, Linet Nebere, Rosemary Achieng Ochieng, Esther Ajiambo Ochieng, and Fredrick Fadey Oundo. David Khalonyere and Jennifer Auma did not sign the consent. Johnstone Onyino, Nelson Ombito and Andrew Kagira Wanyanga are said to be deceased. It is not indicated whether the dead children were survived by spouses or by children of their own.
3. I directed, on 10th June 2025, that the confirmation application, dated 14th March 2025, be served on all the beneficiaries, and, for Abdalla Wanyanga and Martin Wanyanga, I directed substituted service. That was done, for I see a notice that appeared in *The Standard* of 28th August 2025.
4. The matter came up for hearing on 23rd September 2025. The 3 administrators were in attendance, with 3 other survivors, identified as Mary Benta Ochieng, David Khalonyere and Grace Asiko Ochieng. The purchaser, Fredrick Fadey Oundo, was also present. All those in

attendance expressed support for the proposals made in the application, dated 14th March 2025.

5. As indicated above, distribution is proposed to the 2 houses of the deceased, and a purchaser, so that the 1st house takes 7.575 hectares or 18.7185 acres, to be shared between the widow in that house, Grace Asiko Ochieng, and her 7 children. The 2nd house takes 8.552 hectares or 21.132 acres, to be shared between the widow in that house, Mary Benta Ochieng, and her 8 children. 0.65 hectare or 1.606 acres is allocated to the purchaser, Fredrick Fadey Oundo.
6. According to section 35(1)(5) of the Law of succession Act, Cap 160, Laws of Kenya, where there is a surviving spouse, the estate devolves to her to hold during life interest, and thereafter the estate is to be shared equally amongst the children, upon the termination of the life interest.
7. As no protest has been filed, to the proposed distribution, and as there was proper service, by way of substituted service, upon all the beneficiaries who were not within reach, I shall allow the application, dated 14th March 2025.
8. The property Samia/Buburi/420, shall be distributed as follows:
 - (a) To Grace Asiko Ochieng, 7.575 hectares or 18.7185 acres, during life interest, and thereafter to her children: Peter E Ochieng Wanyanga, Evans Meshack Wanyanga, the late Johnstone Onyino, the late Nelson Ombito, David Khalonyere, Rosemary Nabongo and Linet Nebere, in equal shares;
 - (b) To Mary Benta Ochieng, 8.552 hectares or 21.132 acres, during life interest, and thereafter to her children, Patrick Wanyangi Khalonyere, Jennifer Auma, the late Andrew Kaagwa Wanyanga, Rosemary Achieng Ochieng, Esther Ajiambo Ochieng, Josiah Wanyanga, Abdala Wanyanga and Martin Wanyanga, in equal shares; and

(c) To Fredrick Fadey Oundo, 0.65 hectares or 1.606 acres, absolutely.

9. The application, dated 14th March 2025, is disposed of in those terms. A certificate of confirmation of grant shall issue, accordingly. The administrators have 6 months to transmit the estate, in those terms. The matter shall be mentioned, on 12th May 2026, for compliance. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED, AND SIGNED IN CHAMBERS, AT
BUSIA, THIS 3RD DAY OF NOVEMBER 2025.**

**W MUSYOKA
JUDGE**

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Kipkoech, instructed by Oundo OM & Company, Advocates for the administrators.