

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
SUCCESSION CAUSE NO. 126 OF 2008

IN THE MATTER OF THE ESTATE OF NATOLIO NAGWEBONIA MBOLU
(DECEASED)

RULING

1. There are multiple applications that I am called upon to determine. I shall deal with them simultaneously. They are dated 20th May 2023, 18th September 2024 and 8th April 2025. There were directions that they be canvassed by way of written submissions.
2. On 19th April 2024, I delivered a ruling, where I postponed determination of 2 applications, dated 26th April 2023 and 15th May 2023. They relate to confirmation and revocation of the grant herein. The two are pending. Their disposal has been imperilled by the filing of other applications in the intervening period.
3. On 11th March 2025, the application, dated 15th May 2023, which sought removal of Public Trustee, as administrator, was allowed by consent, and the orders, of 17th November 2021, which had appointed the Public Trustee, were reviewed, and John Maube Natolio and Joseph Ouma Mbolu were appointed as administrators. That disposed of the application, dated 15th May 2023.
4. One of the intervening applications is dated 23rd April 2025, where the firm of Otieno Okanda & Company, Advocates, sought to cease acting. However, the same was withdrawn, on 3rd July 2025, when Mr. Okanda informed the court that he was withdrawing it, although he referred to it that as dated 18th April 2025.
5. The other is dated 8th April 2025. It sought joinder and exclusion of a property, Bunyala/Bulemia/2677, from these proceedings. It has been responded to, and submissions have hence been filed on it. The issues, that it raises, shall be handled during the *viva voce* hearing of the application, dated 26th April 2023.
6. The other is dated 19th September 2024, and it similarly seeks joinder of a party and exclusion of Bunyala/Bulemia/2807 from these

proceedings. The issues raised in it shall also be handled during the *viva voce* hearing of the application, dated 26th April 2023.

7. That is to say that the applications, dated 19th September 2024 and 8th April 2025, shall be canvassed *viva voce*, together with that dated 26th April 2025.
8. This matter shall be mentioned, on 3rd March 2026, when dates for the *viva voce* hearing, of all the 2 pending applications, shall be fixed.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT
BUSIA, ON THIS 10TH DAY OF FEBRUARY 2026.**

**WM MUSYOKA
JUDGE**

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Okanda, instructed by Otieno Okanda & Company, Advocates for the administrators.

Mr. Ashioya, instructed by Ashioya & Company Advocates for the 2 interested parties.

Ms. Ngire, instructed by Ngire Aduol & Associates, Advocates for Cpt. Madoya.