

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUSIA**  
**SUCCESSION CAUSE NO. 306 OF 2010**

**IN THE MATTER OF THE ESTATE OF THE LATE ADUOLI**  
**AGORO ADEYA (DECEASED)**

**RULING**

1. The summons, dated 27<sup>th</sup> March 2025, seeks revocation of grant, on the basis that the proceedings to obtain it were defective, it was obtained fraudulently, it was obtained by means of untrue allegations, and a county surveyor should visit the land.
2. The grounds of the face of the summons, and the supporting affidavit, are not aligned to the grounds upon which revocation is sought. They say nothing about how the grant was obtained, or about defects in the process, or about fraud, or about concealment of matter from the court. It is founded on issues around distribution.
3. The said application is not a proper application for revocation of grant. The applicant should have sought something different.

4. I find no basis for revocation of the grant herein. I decline to give the orders sought. The application, dated 27<sup>th</sup> March 2025, is, accordingly, dismissed. There shall be no order on costs.

**DELIVERED, VIA EMAIL, DATED, AND SIGNED IN  
CHAMBERS, AT BUSIA, THIS 9<sup>TH</sup> DAY OF FEBRUARY  
2026.**

**W MUSYOKA  
JUDGE**

**Mr. Arthur Etyang, Court Assistant.**

**Advocates**

**Ms. Nabulindo, instructed by DK Nabulindo & Company,  
Advocates for the appellant.**

**Mr. Jumba, instructed by Erick Jumba & Company, Advocates  
for the respondent.**