



REPUBLIC OF KENYA



**In re Estate of (Omoding) (Succession Cause E009 of 2025)
[2026] KEHC 2348 (KLR) (27 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2348 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
SUCCESSION CAUSE E009 OF 2025
WM MUSYOKA, J
FEBRUARY 27, 2026**

IN THE MATTER OF THE ESTATE OF FREDRICK ESIKURI OMODING (DECEASED)

RULING

1. The petition herein was placed before me on 24th February 2025, for consideration of the making of the grant ad colligenda bona. I declined to make the grant on the spot, as I thought I needed to confirm whether gazettelement of the petition was not required.
2. I have perused the relevant provisions, being section 67 of the *Law of Succession Act*, Cap 160, Laws of Kenya, and Rules 36 and 37 of the Probate and Administration Rules, and I am satisfied that gazettelement is not a requirement. Section 67(1) of the *Law of Succession Act* is explicit on that.
3. The only challenge, that I see, though, is with Rule 36(3) of the Probate and Administration Rules, which does not list Busia as one of the registries from which a grant ad colligenda bona, under section 67(1) of the *Law of Succession Act*, could issue. The listed registries are the principal registry, Mombasa, Kisumu, Nakuru, Nyeri, Kisii, Kakamega, Meru, Machakos, Eldoret and Bungoma.
4. It could be that Rule 36(3) was made prior to the establishment of the Busia probate and administration registry. The High Court has power to issue any grant of representation, whether full or limited, according to the *Law of Succession Act*, and I doubt that the rules of procedure, in the Probate and Administration Rules can limit that power.
5. Consequently, I shall, as I hereby do, allow the undated petition herein. The grant, to be issued, shall be limited, strictly, to collection and preservation of the estate of the deceased. Orders accordingly.

DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, THIS 27TH DAY OF FEBRUARY 2026.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.



Advocates

Mr. Otieno, instructed Masiga Otieno & Associates, Advocates for the petitioner.

