

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KERICHO**  
**MISC. SUCCESSION CAUSE NO. E001 OF 2026**  
**IN THE MATTER OF THE ESTATE OF THE LATE MAURICE**  
**ODHIAMBO AUDI (DECEASED)**

**RULING**

1. The subject matter of this ruling is the Chamber Summons dated 7<sup>th</sup> January, 2026 whereof Carolyn Odhiambo Omenda sought for ***inter alia:-***

***(a) A limited grant of letters of administration ad Colligenda Bona in respect of the Estate of Maurice Odhiambo Audi, deceased be issued to Carolyn Adhiambo Omenda.***

***(b) The Applicant namely Carolyn Adhiambo Omenda, ID No.14480171 be authorized to access and withdraw funds from:-***

***(i) (a) Diamond Trust Bank (DTB).***

***Maurice Odhiambo Audi - Account No.0327419001***

***(b) Kenya Commercial Bank (KCB).***

***Maurice Odhiambo Audi - Account No.1210301075***

**Maurice Odhiambo Audi - Account No.1295050587**

**(c) Cooperative Bank of Kenya.**

**Maurice Odhiambo Audi - Account**

**No.01109054577900**

**(d) Equity Bank**

**Maurice Odhiambo Audi - Account**

**No.0280191001464**

**(ii) The Applicant is authorized to operate the bank account and Safaricom M-Pesa merchant account of Lamar Chemist Limited, solely for purposes of preservation of the business, including: Payment of school fees for the dependants of the deceased and settlement of urgent supplier and operational debts as disclosed in the Supporting Affidavit, in bank accounts namely:-**

**(a) Diamond Trust Bank (DTB).**

**Lamar Chemist Limited - Account No.0665490001**

**(b) Kenya Commercial Bank (KCB).**

**Lamar Chemist Limited - Account No.1211058336**

**(c) Safaricom M-Pesa Merchant Account.**

**Lamar Chemist Limited - Till Number 244568**

(iii) The costs of this application be in the cause.

2. The Applicant filed an Affidavit she swore in support of the summons.

3. It is the averment of the applicant that the deceased who was her husband passed away on 16<sup>th</sup> August, 2025 and no grant of representation has so far been made. The Applicant further averred that the deceased was survived by his widow (Applicant), his sons Terry Ochieng Audi and Garvin Suji Audi.

4. She stated that the two children's welfare and education depend entirely on the deceased's estate. It is the submission of the applicant that the deceased operated bank accounts whose funds formed part of the free property of the estate and are urgently required for preservation purposes. It is also pointed out by the Applicant that the deceased was the sole shareholder and director of Lamar Chemist Ltd and that the shares in the said company form part of the estate.

6. It is also stated that Lamar Chemist Ltd owes various suppliers substantial sums of money and unless these debts are settled urgently, the estate risks litigation, penalties, attachment by auctioneers and collapse of the business.

7. The Applicant further stated that no person is currently able to access the business accounts of Lamar Chemist Ltd for purposes of paying supplies ordering stock, or settling pressing liabilities. It is stated that unless a limited grant ad Colligenda Bona is urgently issued, the estate and business will suffer waste, reputational damage and potential closure. It is also argued that the school going dependents of the deceased risk being excluded from school due to non-payment of fees.

8. The instant application is *ex parte* in nature. Under Section 67 of the Law of Succession Act, the law permits issuance of a Limited Grant for purposes of collection and preservation of assets. Under Rule 36 of the Probate and Administration Rules a Grand Ad Colligenda Bona can be given owing to special circumstances,

such as the urgency of the matter is so great that it would not be possible for the Court to make a full grant of representation.

10. Having considered the material placed before this Court and having taken into account the legal provisions, I am convinced that the instant application meets the threshold set in Section 67 of the Law of Succession Act and Rule 36 of the Probate and Administration Rules. The summons is allowed in terms of prayers 2, 3, 4 and 6.

**Delivered, signed and dated at Kericho this 26<sup>th</sup> day  
of February, 2026.**

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**J.K. SERGON  
JUDGE**

In the Presence of:-

C/Assistant - Rutoh/Naomi

No Appearance

