



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

FAMILY MISCELLANEOUS APPLICATION NUMBER
E044 OF 2025

MARGARET NEKESA OGEMA
APPLICANT

RULING

1. By Summons dated 22nd September 2025, the Applicant prays for these Orders;-

1) Spent.

2) Grant of leave to the Applicant to file a Succession Cause in respect of the Estate of Herbert Malingu Ogema without the Chief's letter.

3) That the status of one Vera Jael Osumba as a wife and beneficiary of the Estate be determined in the intended Succession Cause.

4) That the costs be provided for.

2. The Application is supported by affidavit evidence of the Applicant who avers that she was the lawful wife of the deceased Herbert Malingu Ogema. The said Vera Jael Osumba ("Vera") purportedly filed a Citation requiring the Applicant to obtain Grant of Letters of Administration in respect of the deceased's Estate claiming to have been his second wife. Attached to the Citation is a Chief's letter indicating that Vera was the deceased's second wife while the Applicant is the first wife.
3. The Applicant disputes the purport of the Chief's letter she complains to have been issued without her consent and that it does not name true beneficiaries of the deceased's Estate. According to the Applicant, Vera was not lawfully married to the deceased.

4. **Because of the Citation, which contains the Chief's letter, the Applicant pleads to be allowed to bring Succession Proceedings without producing a letter from the concerned Chief.**
5. The Applicant further *inter alia* states that she is yet to sit down with her children to discuss filing of a Succession Cause.
6. I have perused the Application and annexures thereto which include a letter ostensibly authored by Vera's area Chief. The letter names both the Applicant and Vera as the deceased's widows.
7. If the Applicant disputes Vera's status in relation to the deceased as stated in the letter, the matter ought to be canvassed in a Succession Cause in respect of the deceased's Estate once filed as sought in prayer 3) of the Application. I don't therefore find this Application to be necessary. In any event, the contentions herein would be a proper response to the Citation filed by Vera.

8. The Application is accordingly dismissed with no order
as to costs.

J. M NANG'EA, JUDGE.

**Ruling dated, signed and delivered virtually this 16th day of
March, 2026.**

In the presence of:

Ms Moturi Advocate for the Applicant.

Court Assistant (Jeniffer).

J. M NANG'EA, JUDGE.