



In re Estate of Simeon Okwama Opala (Deceased) (Miscellaneous Succession Cause 5 of 2024) [2024] KEHC 554 (KLR) (26 January 2024) (Ruling)

Neutral citation: [2024] KEHC 554 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE 5 OF 2024**

RE ABURILI, J

JANUARY 26, 2024

**IN THE MATTER OF THE ESTATE OF SIMEON OKWAMA OPALA (DECEASED)
IN THE MATTER OF APPLICATION BY GRACE OJWANG OWUOR
OKWAMA & JOEL NYAGUDI OKWAMA – APPLICANTS**

**IN THE MATTER OF
GRACE OJWANG OWUOR OKWAMA 1ST APPLICANT
JOEL NYAGUDI OKWAMA 2ND APPLICANT**

RULING

1. This matter was reopened following closure of HC Succession Cause No. 310 of 2011 where the Petitioner Isaack Otieno Okwama obtained grant of letters of administration intestate in respect of the estate of the deceased Simeon Okwama Opala and which grant was confirmed on 10th October 2012.
2. In 2015, the petitioner he transferred the entire estate to one John Walter Onyango Otieno.
3. The Applicants herein Grace Ojwang Owuor Okwama and Joel Nyagudi Okwama were never listed as beneficiaries of the estate.
4. They have approached this court claiming that besides, themselves, there are other beneficiaries who were omitted from the petition and distribution and that the administrator has since died on 27th January 2022. That the administrator never obtained consent from the beneficiaries of the estate.
5. I note that the estate properties as described in the certificate of confirmation are many parcels of land.
6. The land in question is situate in Siaya County being Siaya/Omla – Malo 4478, 4350. 4429, 4402, 4438, 4406, 4414, 2159, 2146, 2299 and 4420.
7. However, in the search certificate of 20th June 2011 filed in court together with the Petition, the original parcel is Siaya/Omia-Malo/2247.



8. The several parcels are therefore a subdivision of the original parcel. Only one parcel, 4478 has been transferred to a third party.
9. That aside, the estate is vast as shown by the several search certificates for the named parcels dated 20th June 2021 registered in the name of Simeon Okwama Pala; who hailed from Omia-Malo in Rarieda, Siaya County.
10. This cause arising from Succession Cause No. 310 of 2011 was filed in Kisumu High Court because at that time, Siaya County did not have a High Court established.
11. As there is now a fully-fledged High Court in Siaya, I hereby direct that this file together with HC Succession Cause No. 310 of 2011 which had already been archived be transferred to Siaya High Court for hearing and final determination.
12. The Applicants' counsel to be notified accordingly, to engage the Deputy Registrar, Siaya High Court for directions on the matter.
13. I so direct. From this end, this file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

