



**Juma v Juma & another (Miscellaneous Succession Cause
E007 of 2023) [2024] KEHC 2866 (KLR) (19 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2866 (KLR)

FORMELY SUCCESSION CAUSE NO. 539 OF 2010

REPUBLIC OF KENYA

IN THE HIGH COURT AT KISUMU

MISCELLANEOUS SUCCESSION CAUSE E007 OF 2023

RE ABURILI, J

MARCH 19, 2024

IN THE MATTER OF THE ESTATE OF HEZEKIAH JUMA OYARE (DECEASED)

AND

IN THE MATTER OF APPLICATION BY

BETWEEN

MILLICENT ANYANGO JUMA APPLICANT

AND

JOSEPH OMONDI JUMA 1ST RESPONDENT

MAXWEL OTIENO JUMA 2ND RESPONDENT

RULING

1. I have considered the application dated 13th October 2023, the grounds, supporting affidavit and the annexures.
2. I have also interviewed all the beneficiaries of the estate who are in court and perused their signed consent on the distribution of the estate of the deceased Hezekiah Juma Oyare comprising land parcel Nos. Kisumu Wang'aya/1/4949, Kisumu Wang'aya/1/2450 and Kisumu Wang'aya/1/2444.
3. All the beneficiaries have agreed to share each of the parcels of land equally.
4. That being the case, and as none of the beneficiaries are disadvantaged, I find the application for rectification of the confirmed grant merited.
5. I set aside the earlier orders of 15th April 2025 confirming the grant issued on 4th November 2018 and substitute it with an order confirming the grant as per the agreed mode of distribution of the estate in equal shares.



6. A fresh amended certificate of confirmation of grant to issue subject to Section 83 of the *Law of Succession Act*.
7. This file is closed.
8. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF MARCH, 2024

R. E. ABURILI

JUDGE

