



REPUBLIC OF KENYA



In re Estate of Solomon Otsieng'i Wanyanga (Deceased) (Succession Cause 2 of 2023) [2024] KEHC 2610 (KLR) (15 March 2024) (Ruling)

Neutral citation: [2024] KEHC 2610 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
SUCCESSION CAUSE 2 OF 2023
WM MUSYOKA, J
MARCH 15, 2024**

IN THE MATTER OF THE ESTATE OF SOLOMON OTSIENG'I WANYANGA (DECEASED)

RULING

1. This ruling is with respect to a citation that Peter Etton Ochieng Wanyanga and Evans Meshack Wanyanga, the citors herein, obtained, dated 6th April 2023, for service upon their mother, Grace Asiko Ochieng, and their siblings, Rosemary Naliali, Linet Ochwada, Dancan Onyino, Nelson Ombito, David Khalonyere, Patrick Khalonyere, Auma Odeny, Andrew Kagira, Achieng Wanyanga, Athiambo David Ojiambo, Josiah Wanyanga, Abdala Wanyanga and Martin Wanyanga, the citees herein.
2. There is an affidavit of service, sworn on 29th November 2023, by Peter Odwori, indicating that the citation was served on the citees.
3. I have seen a replying affidavit, by Patrick Wanyangi Khalonyere, which he swore on 30th January 2024. He accepts that the citors may go ahead and petition for representation, with a rider that he should also be considered to be a co-petitioner. He points out that the names of some of the citees had been misspelt, and that a surviving spouse of the deceased had been omitted from the list of survivors.
4. The citors did not respond to the reply by Patrick Wanyangi Khalonyere, either to object to his proposal or to support it.
5. The directions that I shall give, with respect to the citation, is that I grant leave to the citors herein, Peter Etton Ochieng Wanyanga and Evans Meshack Wanyanga, and Patrick Wanyangi Khalonyere, to jointly petition for representation to the estate of the deceased herein. the leave is for 30 days. The matter shall be mentioned on 24th April 2024, to confirm whether that has happened, and for the purpose of having this file closed, if there will be compliance. It is so ordered.

RULING DATED AND SIGNED AT BUSIA AND DELIVERED ON THIS 15TH DAY OF MARCH 2024

WM MUSYOKA

JUDGE



Mr. Arthur Etyang, Court Assistant.

Mr. Patrick Wanyangi Khalonyere, in person.

Advocates

Mr. Bwire, instructed by Oundo Muriuki & Company, for the Applicant.

