



REPUBLIC OF KENYA



In re Estate of George Adongo Hongo (Deceased) (Miscellaneous Succession Cause E030 of 2024) [2024] KEHC 6238 (KLR) (31 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6238 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E030 OF 2024**

RE ABURILI, J

MAY 31, 2024

RULING

1. This matter arises from HC Succession Cause No. 368 of 1997 wherein the grant was issued on 6th February 1998 and confirmed on 14/1/2010 but dated 27th April 2010 to the administratrix Jesca Agneta Adongo Hongo, to administer the estate of the deceased George Adongo Hongo, and the file closed and archived.
2. The only fixed asset of the estate being Kisumu Kadongo/4105 was not listed in P& A 5 form but during confirmation, it was given to the administratrix Jesca Agneta Adongo Hongo whole.
3. All the beneficiaries have now filed affidavits of consent agreeing that the property in issue should be vested in one of the beneficiaries Jared Ouma Adongo and that in the Certificate of confirmation sought to be rectified, therein be included the funds held at National Bank of Kenya (NBK) Account No. 01030023500700 to be vested in the administratrix as a sole beneficiary.
4. I have considered the summons for rectification of grant dated 15th April 2024, the supporting affidavit and the annexures thereto which include consents and National Identity cards filed by the rest of the beneficiaries who all support the rectification of the grant as confirmed and, in the manner, proposed by the administratrix.
5. I note that the administratrix is ceding ownership of the sole fixed asset to Jared Ouma Adongo, her son and that her other children beneficiaries have no objection.
6. I also note that an account held with National Bank with funds being the benefits accruing to the estate of the deceased from his employer cannot be accessed unless there is authority from this court and all the beneficiaries have agreed that the administratrix who is their mother be the sole beneficiary.
7. I observe that there has been inordinate delay in transmitting the estate property into the administratrix name and the distribution of the estate and the filing of true and accurate accounts into court as stipulated under Section 83 of the *Law of Succession Act*.



8. That aside, as there are no controversies raging in the distribution of the estate, I hereby grant the prayers sought in the summons for rectification of grant dated 15th April 2024.
9. I set aside the orders confirming the grant made on 14th January 2010 and substitute the said order with an order confirming the grant issued on 6th February 1998 in terms of the fresh proposed mode of distribution of the estate of the deceased George Adongo Hongo, amending the schedule of distribution of the estate to confer property No. Kisumu Kadongo/4105 to Jared Ouma Adongo in whole and assigning benefits held at National Bank of Kenya Personal Account No. 01030023500700 to the Administratrix Jesca Agneta Adongo Hongo in whole.
10. A rectified certificate of confirmation of grant to issue forthwith.
11. The Administratrix to comply with Section 83 of the *Law of Succession Act* within six (6) months of today.
12. I so order.
13. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 31ST DAY OF MAY, 2024

R. E. ABURILI

JUDGE

