



REPUBLIC OF KENYA



In re Estate of Joel Munzatsi Lidubwi (Deceased) (Miscellaneous Succession Cause E032 of 2024) [2024] KEHC 6519 (KLR) (30 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6519 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E032 OF 2024**

MS SHARIFF, J

MAY 30, 2024

ARISING FROM SUCCESSION CAUSE NO. 152 OF 2003

IN THE MATTER OF THE ESTATE OF:

JOEL MUNZATSI LIDUBWI.....DECEASED

AND

IN THE MATTER OF AN APPLICATION BY:

ANNE MUNAGI LUGALIA

LONNA MUSIMBI CHAVANGI

EBRAHIM ENUNDA LIDUBWI.....APPLICANTS

RULING

1. I have perused the notice of motion dated 29th May 2024, and the supporting affidavit sworn by Anne Munagi Lugalia, Lonna Musimbi Chavangi and Ebrahim Enunda Lidumbwi on even date and I do note that whereas the Applicants blame the court for alleged failure to serve them with a notice to show cause, the court record clearly reveals that such notice was sent to them on 7th July 2015 through postal address P.O. Box 2105 Kisumu which address is disclosed in the petition.
2. It is noteworthy that it is now almost 9 years since the grant herein was revoked and whereas the Applicants allege that one of them specifically Lona Musimbi Chavangi was indisposed for a lengthy period of time, no medical evidence has been annexed to prove that assertion. Furthermore, no reasons have been advanced to explain the inertia on the part of the other Applicants.
3. Premised on the reasons aforestated I decline to reinstate this petition. The Applicants are at liberty to file a fresh petition in Vihiga courts given that most of the properties are situated within the geographical jurisdiction of Vihiga Law Courts.
4. This file is marked as closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 30TH DAY OF MAY, 2024



MWANISHA S. SHARIFF

JUDGE

