



**In re Estate of Jacobo Chelulei Chebochok alias Jacob Chelulei
Chebochok (Deceased) (Miscellaneous Succession Cause E086 of 2024)
[2024] KEHC 14896 (KLR) (27 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14896 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E086 OF 2024
RE ABURILI, J
NOVEMBER 27, 2024
IN THE MATTER OF THE ESTATE OF JACOBO CHELULEI
CHEBOCHOK ALIAS JACOB CHELULEI CHEBOCHOK - (DECEASED)
AND
IN THE MATTER OF AN APPLICATION BY RACHEL CHEPTANUI
CHEBOCHOK AND ISAAC KIBET MUTAI - PETITIONERS**

**IN THE MATTER OF
RACHEL CHEPTANUI CHEBOCHOK 1ST PETITIONER
ISAAC KIBET MUTAI 2ND PETITIONER**

(Arising from Kisumu HC Court Succession No. 510 of 2007)

RULING

1. I observe that this Succession Cause is an offshoot of Kisumu HC P&A No. 510 of 2007. The deceased intestate died aged 73 years old in 2005. The age of his widow, 1st Administrator, is not disclosed. Nonetheless, she must equally be old.
2. The grant was issued on 14th July 2009 which is over 15 years ago and has never been confirmed. The Petitioner has therefore never administered or distributed the estate as required by law. The grant became useless and inoperative.
3. From the proposed mode of distribution of the estate, the administrators who have taken over 15 years to apply for confirmation and rectification of the grant want the estate real property to be held by them in trust for the family. There is no trust established to manage that estate of the intestate deceased.
4. As all beneficiaries are adults of sound mind and considering the period it has taken for the administrators to apply for confirmation of the grant with no explanations for the inordinate delay, I



find that a grant issued in 2009 which became useless and inoperative cannot be rectified or confirmed. It is hereby revoked for want of confirmation and the family of the deceased Jacob Chelulei Chebochok comprising beneficiaries are directed to petition for a fresh grant and to ensure they have the estate distributed to each adult beneficiary of sound mind in their own name, not the aged administrators to hold in trust for others.

5. The summons for confirmation and rectification of grant dated 4th September 2024 is hereby dismissed.
6. Ruling to be typed and uploaded.
7. Applicants to be notified.
8. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

