



In re Estate of Martha Chepkoech Berenge (Deceased) (Succession Cause 124 of 2013) [2023] KEHC 21019 (KLR) (31 July 2023) (Ruling)

Neutral citation: [2023] KEHC 21019 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE 124 OF 2013**

JK SERGON, J

JULY 31, 2023

**IN THE MATTER OF THE ESTATE OF THE LATE
MARTHA CHEPKOECH BERENGE (DECEASED)**

IN THE MATTER OF

JOSEPH MUSEE MALEL APPLICANT

RULING

1. The subject matter of this Ruling is the Summons for Rectification of Grant dated 19th May, 2022 taken out by one Jame Kiplangat Malel. The aforesaid summons is supported by the affidavit sworn by Joseph Musee Malel.
2. It is the averment of Joseph Musee Malel that the Parcel of Land known as LR. No.Kericho/ Kebeneti/2144 was erroneously left out from the succession Proceedings in respect of the Estate of Martha Chepkoech Berenge, deceased.
3. The Certificate of Official Search indicates that the aforesaid Parcel of land is registered in the name of Chepkoech Berenge, deceased.
4. It is also apparent that the aforesaid parcel of land was not included as one of the assets of the deceased's Estate.
5. The record shows that the following, James Kiplangat Malel, Andrew Arap Malel and Caroline Chepngetich Malel executed the Consent Form consenting to the filing of the application for rectification of the grant.
6. It is important to take note of the fact that the application for rectification of Grant is filed by Joseph Musee Malel who also swore the Affidavit which was filed in support of the Summons for Rectification.
7. In the application for Confirmation off Grant, Joseph Musee Malel, James Kiplangat Malel and Andrew Arap Malel are listed as sons of the deceased.



8. It is not in dispute that L.R. No.Kericho/Kebeneti/2144 was left as an asset of the Estate of the deceased.
9. I am persuaded that the aforesaid parcel was erroneously left out in the application for Confirmation of Grant. It would appear the error is a genuine mistake.
10. I am satisfied the Summons for Rectification of Grant is meritorious. It is allowed as prayed.
11. The Certificate of Confirmed Grant issued to Andrew Arap Malel issued on 1st April, 2019 is rectified. L.R. No. Kericho/Kebeneti/2144 is hereby included as forming part of the Estate of Martha Chepkoech Berenge, deceased.
12. The same to be distributed as proposed in the Affidavit sworn by Joseph Musee Malel.
13. Each party to bear their own costs.

DATED, SIGNED AND DELIVERED THIS 31ST DAY OF JULY, 2023.

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J.K. SERGON

JUDGE

In the presence of:

C/Assistant - Rutoh

Applicants are Present

