



In re Estate of Elizabeth Cherosho (Deceased) (Probate & Administration 109 of 2000) [2022] KEHC 11684 (KLR) (29 July 2022) (Ruling)

Neutral citation: [2022] KEHC 11684 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
PROBATE & ADMINISTRATION 109 OF 2000
RN NYAKUNDI, J
JULY 29, 2022**

IN THE MATTER OF THE ESTATE OF ELIZABETH CHEROSHO (DECEASED)

BETWEEN

JOSHUA RONO APPLICANT

AND

DAVID RONO 1ST RESPONDENT

WILSON RONO 2ND RESPONDENT

DANIEL RONO 3RD RESPONDENT

RULING

1. What is pending before this court is the distribution of the estate of the deceased. The applicant herein was granted letters of administration intestate which were issued by this court on October 29, 2019.
2. The deceased is survived by 4 children; Daniel Rono Joshua Rono David Rono Wilson Rono
3. In the affidavit for proposed distribution of the estate, the applicant herein proposed the estate be distributed as follows;
 - a. Land Parcel No. Kericho/litein63 measuring 23.6 acres to be shared out as follows; Daniel Rono to get 3.9 acres Joshua Rono to get 7.9 acres David Rono to get 5.9 acres Wilson Rono to get 5.9 acres
 - b. Poshomill at Kiplopyi to be given to David Rono wholly
 - c. Commercial centre plot at Subukia to be shared equally between David Rono and Daniel Rono.
 - d. Samuget Commercial Centre plot to be given to Wilson Rono wholly.



- e. Commercial plot at Nakuru RVTI to be shared equally between David Rono and Joshua Rono.
 - f. Shares at Litein Women Group to be given to Joshua Rono wholly.
 - g. The plot at Litein be given to Wilson Rono wholly.
 - h. Land Parcel No Ainabmoi/kericho measuring 4 acres be shared out as follows; Daniel Rono to get 1 acre Joshua Rono to get 1 acre David Rono to get 1 acre Wilson Rono to get 1 acre
 - i. Joshua Rono to get 7.9 acres of Kericho/litein 63 because he is entitled to 2 acres out of the share of Daniel Rono's because he repaid the loan on his behalf.
4. The applicant deposed that of his own knowledge the deceased had commenced sub division with a view of giving Joshua Rono 2 acres of land but the father passed away before the process was completed.
 5. I note that this matter had been referred to mediation, the outcome of which the parties had rejected the proposed mode of distribution as at March 17, 2021.
 6. Section 38 of the Law of Succession Cause provides;

Where an intestate has left a surviving child or children but no spouse, the net intestate estate shall, subject to the provisions of sections 41 and 42, devolve upon the surviving child, if there be only one, or shall be equally divided among the surviving children.
 7. I have had an opportunity to compare the distribution as suggested and it is my view that it is in tandem with the provisions of section 38 of the Law of Succession Act. The mode of distribution is not opposed by the respondents.
 8. In the premises I allow the distribution as proposed in the affidavit of distribution dated December 7, 2021.

DATED, SIGNED AND DELIVERED VIA EMAIL AT ELDORET THIS 29TH DAY OF JULY, 2022.

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R. NYAKUNDI
JUDGE

