



**In re Estate of Elizabeth Chelimo Too alias Elizabeth Sirma (Deceased) (Succession Cause 23 of 2013) [2022] KEHC 16753 (KLR) (23 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16753 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE 23 OF 2013  
RN NYAKUNDI, J  
DECEMBER 23, 2022**

**IN THE MATTER OF  
JOHN SIRMA KOECH ..... PETITIONER**

**RULING**

The applicant approached this court by way of summons for rectification of grant dated September 27, 2022 seeking the following orders;

1. That the grant of letters of administration intestate issued to the said John Sirma Koech in this matter on the June 17, 2013 and confirmed on June 14, 2016 and amended on January 10, 2019 be rectified in the following respects as provided for by rule 43 (1) of the [Probate and Administration Rules](#)
  - a) The estate of the late David Kimaiyo Sirma should be enjoined with the estate of Elizabeth Chelimo Too alias Elizabeth Sirma in Succession Cause No 23 of 2013 as it was left out during amended of grant.
  - b) That the area chiefs letters and dated May 14, 2012, December 20, 2013, May 24, 2016 be used as it capture the correct facts about the deceased persons.
  - c) That the area chiefs' letter and dated January 23, 2013 was erroneously used again during the amended of the grant.
  - d) That (I) John Sirma Koech and both the deceased persons Elizabeth Chelimo Too alias Elizabeth Sirma and David Kimaiyo Sirma had owned jointly a property being Turbo East/leseru Block 3(Tuigoin)51 and the title deed registered under our names.
  - e) That the official search shows that the title deed is registered in the names of John Sirma Koech and David Kimaiyo Sirma



- f) The description of the property Turbo East/leseru Block 3 (tuigoin)51 be amended to read John Sirma Koech as per the records in the land registry in form PSA 54, amended certificate of confirmation of grant and also as the surviving co-owner of the property aforementioned.
  - g) That the amendment is of desirable nature to enable me effect transfer and distribution and administration of the asset of the estate known as Turbo East/leseru Block 3(Tuigoin)51 to the beneficiaries as the per the grant.
2. That the costs of this application shall be provided for.
  3. The application is premised on the grounds set out in the application and the contents of the affidavit in support of the summons.
  4. The applicant states that the grant of letters of administration was made to him on June 17, 2013. The rectifications on January 10, 2019 did not correct all the errors. and it is desirable that the above errors be rectified by the court. All the other beneficiaries consent to the rectifications.
  5. Upon considering the summons and the annexures thereto, this court finds the application merited and makes the following orders pursuant to rule 43(1) of the Probate and Administration rules;

The grant of letters of administration intestate issued to the said John Sirma Koech in this matter on the June 17, 2013 and confirmed on June 14, 2016 and amended on January 10, 2019 be rectified in the following respects ;

- a) The estate of the late David Kimaiyo Sirma is hereby enjoined with the estate of Elizabeth Chelimo Too alias Elizabeth Sirma in Succession Cause No 23 of 2013 as it was left out during amended of grant.
- b. The area chiefs letters and dated May 14, 2012, December 20, 2013, May 24, 2016 be used as they capture the correct facts about the deceased persons.
- c) The area chiefs' letter and dated January 23, 2013 was erroneously used again during the amended of the grant.
- d) John Sirma Koech and both the deceased persons Elizabeth Chelimo Too *alias* Elizabeth Sirma and David Kimaiyo Sirma had owned jointly a property being Turbo East/leseru Block 3(Tuigoin)51 and the title deed registered under our names.
- e) The official search shows that the title deed is registered in the names of John Sirma Koech and David Kimaiyo Sirma
- f) The description of the property Turbo East/leseru Block 3 (tuigoin)51 be amended to read John Sirma Koech as per the records in the land registry in form PSA 54, amended certificate of confirmation of grant and also as the surviving co-owner of the property aforementioned.

Each party shall bear its own costs.

**DATED, SIGNED AND DELIVERED VIA EMAIL AT ELDORET THIS 23<sup>RD</sup> DAY OF DECEMBER, 2022.**

.....

**R. NYAKUNDI**  
**JUDGE**

