



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

SUCCESSION CAUSE NO.337 OF 2007

IN THE MATTER OF THE ESTATE OF THE LATE SAMSON CHEPKWONY BUNE (DECEASED)

LILY CHEPKIRUI BUNE.....PETITIONER

VERSUS

ANNAH CHEPKORIR CHEPKWONY.....1ST PROTESTER

LEAH CHELANGAT TOO.....2ND PROTESTER

RULING

1. The Deceased herein **SAMSON CHEPKWONY BUNE (hereafter referred to as the Deceased)** died intestate on 28/12/1998. He was survived by a widow and four daughters. The widow also died before taking letters.
2. Temporary letters of Administration were issued to the Petitioner herein on 29/9/2008. The Petitioner is a daughter to one of the daughters of the deceased who was unmarried.
3. The Court revoked the said grant of letter suo moto in a ruling delivered on 18/3/2010. The widow of the deceased had married the two protesters herein under the “woman to woman” custom of the Kipsigis.
4. The ruling dated 18/3/2010 was reviewed on 16/5/2014 and the grant was reinstated.
5. The Court also restored the summons for confirmation of grant dated 12/5/2009 and directed that the same be fixed for directions on the manner of hearing. The two widows of **RECHO TEGERET BUNE (Deceased)** filed an affidavit protest.
6. The parties filed witness statements but the matter has not proceeded to full hearing.
7. The parties also filed written submissions in the protest.
8. I have perused the record and in my opinion this matter should proceed to full hearing.
9. There are issues which need to be ventilated during the full hearing such as: -
 - (i) Whether the Protestors who were married to the widow of the deceased herein **RECHO TEGERET BUNE (also deceased)** who were married under the Kipsigis Tradition of Woman to Woman Marriage are beneficiaries of the Estate of the Deceased herein **SAMSON CHEPKWONY BUNE**.
 - (ii) Whether the two “Widows” of the Widow of the deceased herein **SAMSON CHEPKWONY BUNE** rank higher in priority to the biological daughters of the deceased.
 - (iii) Whether the Petitioner who is a granddaughter of the deceased herein **SAMSON CHEPKWONY BUNE** ranks higher in priority to the two protestors who are “Widows” of the widow of **SAMSON CHEPKWONY BUNE** whom she married under the Kipsigis Tradition of “Woman to Woman Marriage”.
10. It is also not clear whether the three married daughters of the deceased herein **SAMSON CHEPKWONY BUNE** relinquished their rights to inherit the Estate of the deceased who was their father.
11. It is not clear where the proceeds of the 2.5 Acres sold by Elders was distributed to the married daughters or it went to the pockets of the

Panel of elders as stated by *ANNAH CHEPKORIR CHEPKWONY*, the 1st Protestor herein in her affidavit.

12. The parties having filed witness statements should take a hearing date when the matter will be heard interparties.

Delivered, signed and dated at Kericho this 29th day of January, 2021.

A. N. ONGERI

JUDGE