



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 1194 OF 2009

IN THE MATTER OF THE ESTATE OF REUBEN KIPLAGAT CHESIRE (DECEASED)

IN THE MATTER OF AN APPLICATION FOR THE REVOCATION OF A

GRANT UNDER SECTION 76 OF THE LAW OF SUCCESSION ACT,

CAP 160 OF THE LAWS OF KENYA

WILLIAM KIBIWOTT CHESIRE.....1ST CLAIMANT

CONNIE JEROTICH CHESIRE ASIYO.....2ND CLAIMANT

ROSE CHESIRE.....3RD CLAIMANT

BELINDA CHESIRE.....4TH CLAIMANT

PAMELA CHESIRE.....5TH CLAIMANT

RENEE CHESIRE.....6TH CLAIMANT

VERSUS

ALICE CHEPCHUMBA CHESIRE.....1ST RESPONDENT

STEPHEN KIPROP CHESIRE.....2ND RESPONDENT

BARCLAYS BANK OF KENYA LTD.....3RD RESPONDENT

GARAM INVESTMENT AUCTIONEERS.....4TH RESPONDENT

RULING

1. The Summons for revocation dated 6.2.2019 was dismissed by this Court in its Ruling dated 12.6.2019.
2. This Court directed the Administrators to file a summons for confirmation within 30 days of 2.6.2019 and also to compile a list of all assets of the Estate and the Account for their dealings since they took over the administration of the Estate.
3. The Administrators filed a Summons for Confirmation dated 23.7.2019 supported by the joint Affidavit of Administrators dated 23.7.2019.
4. The Administrators simultaneously filed accounts of the estate and liabilities of the estate which are disputed by the Applicants who are the children of the deceased on the basis that they are not signed by the Auditor.
5. This matter was determined by my predecessors following an award by an arbitrator dated 10.8.2011.

6. The Award was filed in Court and adopted as the Judgment of the Court and application to set it aside dated 9.9.2011 was dismissed by a ruling delivered on 2.5.2013.

7. On 31.7.2015, the Applicant's Application seeking stay of Execution of the Arbitral award was dismissed by Musyoka J. who also directed that the estate be gazetted with respect with the appointment of Alice Chepchumba Chesire and Stephen Kiprop Chesire as Administrators of the Estate.

8. The Applicants subsequently filed a summons for revocation dated 6.2.2019 which was dismissed on 12.6.2019 and this Court gave directions that the Administrators file a summons for confirmation within 30 days of 12.6.2019.

9. The Letters of Administration were issued to the two respondents on 21.8.2017 pursuant to the Ruling delivered on 3.2.2017.

10. The Applicants have not obtained any stay against the arbitral award and this Court cannot set the said award aside. The matter was determined by the said arbitral award and if the Applicants were not satisfied with the Award they were at liberty to appeal against the said award

11. I accordingly direct that the summons for confirmation dated 23.7.2019 be listed for hearing and all the beneficiaries to appear in Court for confirmation within 30 days of this date.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 24TH DAY OF JANUARY, 2020

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.