



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**SUCCESSION CAUSE NO. 866 OF 2015**

**IN THE MATTER OF THE ESTATE OF SAMWEL KIMUREI TIROP (DECEASED)**

**RULING**

1. The matter is for determination of a confirmation application dated 18<sup>th</sup> December 2019. It seeks reinstatement of an application dated 9<sup>th</sup> May 2017, which was dismissed on 5<sup>th</sup> November 2019 for non-attendance, and upon its being reinstated confirmation of the grant dated 14<sup>th</sup> July 2016 in terms of the consent on distribution dated 9<sup>th</sup> May 2017, attached to the reinstated application.
2. When the application was placed before me on 20th January 2020, I reinstated the application dated 9<sup>th</sup> May 2017, and reserved the prayer for confirmation to enable me look at the record.
3. I have considered the application dated 9<sup>th</sup> May 2017. I have noted that the persons beneficially entitled have filed their consents, in compliance with Rule 40(8) of the Probate and Form 17.
4. I, therefore, grant the said Administration Rules application in the terms of the proposed distribution. The estate shall be distributed as proposed. The share due to Prisila Chelagat Kimei shall be dealt with in the manner proposed in her protest affidavit sworn on 25<sup>th</sup> May 2019. A certificate of confirmation of grant shall issue accordingly.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 30TH DAY OF APRIL, 2020**

**W. MUSYOKA**

**JUDGE**