



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

SUCCESSION CAUSE NO. 37 OF 2019

IN THE MATTER OF THE ESTATE OF THE LATE ISAACK KIMAIYO KETER ALIAS KIMAIYO KETER- (DECEASED)

ELISHA KSARAH JEPKEMBOI MAIYO.....1ST APPLICANT

JACOB K MAIYO.....2ND APPLICANT

VERSES

SARAH J MAIYO1ST RESPONDENT

JOYCE KITAI.....2ND RESPONDENT

MIRIAM MAIYO.....3RD RESPONDENT

DIRECTIONS

1. This court on 8th October 2020 as a result of long protracted issues concerning movable and immovable assets left behind by their deceased father and by extension their late mother directed the Deputy Registrar to go to the ground and access the situation. Her report already in the court file indicated that the parties as well as the Local Provincial Administration attended the meeting.
2. Her report basically was meant to guide the court and is in no way binding to the court. Counsels for the parties also attended the meeting as can be seen from the proceedings.
3. The said Counsels agreed that this court should give some directions concerning the cows, the motor vehicle as well as the 1st Respondents stay at her parents' home. On the issue of the land it appears that the deceased had settled his children in separate portions. That is a fundamental issue which this court shall deal with substantively.
4. The court directs as follows:-

(A) Motor vehicle Reg. No. KBT 940K Nissan wing road be surrendered to the Applicants ELISHA MAIYO and JACOB MAIYO for use and maintenance pending the determination of this cause.

(B) The 10 cows plus the heifer shall be divided as follows;

(i) one cow each to the 8 children of the deceased including the house of the deceased daughter.

(ii) Elisha Maiyo and Sarah Maiyo shall have an extra cow each and Sarah shall have the heifer as well so that Sarah shall have 2 cows plus a heifer.

(iii) In the event that the said beneficiaries do not agree on the mode of division of the cows above, they shall be at liberty under the chairmanship of the area chief to undertake a ballot for the same.

(iv) Sarah Maiyo shall within the next 30 days from the date herein move to her home and specifically where she lived prior to coming to her parents' home to take care of them while they were sick until their demise.

5. Orders accordingly.

Dated, Signed and Delivered at Kitale this 27th day of October 2020.

H. K. CHEMITEI

JUDGE

27/10/2020