



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

SUCCESSION CAUSE NO. 40 OF 2013

IN THE MATTER OF THE ESTATE OF RIOMONGOR

KUCHULEM.....DECEASED

CHEPOROKO RIOMONGAR.....1ST APPLICANT

LORIONO RIOMONGAR.....2ND APPLICANT

DOMITILA CHEPOKOSUMOI DANIEL.....3RD APPLICANT

AND

JACOB

KUCHULEM RIOMONGOR.....1ST RESPONDENT

MONICA CHEPENGAT KUCHULEM2ND RESPONDENT

R U L I N G

1. The application dated 10/6/2015 principally seeks orders that the grant of letters of administration issued to the Respondent herein on the 27/5/2013 and confirmed on the 20/3/2014, over the estate of the late **RIOMONGAR KUCHULEM**, and who died on the 23/3/1990 be revoked and or annulled.

Secondly, that upon the revocation and or annulment of the grant of letters of administration issued to the Respondents on the 27/5/2013 and confirmed on the 20/3/2014, an order be made that the land comprised in Title Nos. **WEST POKOT/CHEPARERIA/2298, 2299, 22300 and 22301** do revert to Title No **WEST POKOT/CHEPARERIA/379** in the name of the late **RIOMONGAR KUCHULEM**.

2. The 1st applicant is a widow to the deceased while the 2nd and 3rd applicants are her children with the deceased. It is stated that the 2nd widow of the deceased is **CHEPTAR RIOMONGAR**. That the other two widows of the deceased have since passed on. That prior to his death, the deceased had shared out his land among his four houses. The applicants' complaint is that they were not aware of this succession cause. That some of the land parcels which form part of the estate of the deceased were not disclosed to the court.
3. The application is opposed. According to the replying affidavit, the deceased shared out his land amongst his four houses. It is contended that all the beneficiaries were notified of the petition herein but no objection was lodged and that there was no concealment of any material facts.
4. During the hearing of the application, the parties opted to proceed by way of written submissions. Subsequently the applicants filed theirs but the Respondents stated that they would

not file any. I have considered the filed submissions.

5. I have scrutinized the consent to the making of a grant of Administration Intestate to a person of equal or lesser priority (form 38) which was filed herein. The applicants names are missing from the said consent.

The applicants names are also missing from the consent to the confirmation of the grant.

6. The proceedings to obtain the grant were therefore defective in substance due to the concealment of material facts. The application is allowed with costs to the applicants.

B. THURANIRA JADEN

JUDGE

Delivered and dated this 23rd day of march 2016.

B. THURANIRA JADEN

JUDGE