REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

SUCCESSION CAUSE NO. 217 OF 2014

IN THE MATTER OF THE ESTATE OF CHARLES KIPKETER KOECH (DECEASED)

MARTHA CHEPKORIR KOECH …….. PETITIONER

R U L I N G

1. This is the application by the Petitioner dated **8th December, 2014** filed under certificate of urgency. Its brought under **Rule 59** of the **Probate and Administration Rules**. The applicant seeks a Special Limited Grant to allow her withdraw funds from the deceased's **Account No. *[particulars withheld]*** at Barclays Bank of Kenya Kericho Branch.

2. The application is supported by the grounds on the face of the application and the supporting affidavit. The main reason for the withdrawal of the money is for purposes of paying fees for two of the deceased's children and completing payment of a land purchased by the deceased. She also requires money to pay for the hostels and pocket money for the two students.

3. I do note that the petitioner/applicant has filed a petition for letters of administration of grant which has already been gazetted, awaiting the confirmation vide **Form 30** from the Principal Registry Nairobi. So far no objection has been filed.

4. The Manager Barclays Bank Kericho has forwarded to this court the current statement of the deceased's **Account No. *[particulars withheld]***. The said statement shows that the account has sufficient funds to cater for the present and future needs of the applicant and children.

5. In her supporting affidavit she has annexed documents marked **"MCK 2a-e"** to support her request for finances.

6. I am therefore satisfied that the applicant has made out a case for the issuance of a Special Limited Grant to enable her access the deceased's **Account No. *[particulars withheld]*** Barclays Bank of Kenya Kericho Branch.

The Special Limited Grant is limited to the withdrawal of Ksh.735,000/= *(seven hundred and thirty five thousand shillings only)* for the purpose set out in paragraph 5 of her supporting affidavit.

7. She must within thirty (30) days file documents in court to show how she has utilized the amounts shown in paragraph 5a-d of her affidavit. Details of the land being paid for must also be given. Orders accordingly.

DATED AND SIGNED AT KERICHO THIS 17TH DAY OF DECEMBER, 2014

H.I. ONG'UDI

JUDGE