



REPUBLIC OF KENYA

High Court at Kericho

Succession Cause 17 of 2013

**IN THE MATTER OF THE ESTATE OF
JOSEPH KIPNGETICH CHELULE.....DECEASED**

VERSUS

SELLY CHEPTONUI ORINDO

PENINA CHEBET.....PETITIONERS

RULING

1. Before me is an application by the Petitioners dated 12th February 2013. The application is brought under Certificate of Urgency. The application seeks orders that the Petitioners be granted special limited grant of letters of administration of the estate of the deceased above-named limited for purposes of accessing funds for payments of school fees, upkeep for children of the deceased and legal fees for succession proceedings.

2. The application is supported by an affidavit sworn by Selley Cheptonui Orindo, one of the petitioners.

3. Essentially, the Petitioners claim that the probate proceedings in respect of the whole estate of the deceased are likely to take a long time. The present application should therefore be granted as the Petitioners were wholly depended on the estate of the deceased. The Petitioners have set out in the affidavit the surviving dependants of the deceased as well as a full inventory of all assets and liabilities of his estate. They have also deponed on the amounts of money required for the family upkeep, school fees and legal fees. They have exhibited evidence of school fees invoices to buttress the application.

4. I have considered the application herein, the grounds of in support as well as the matters set out in the supporting affidavit.

5. I note that the deceased passed on 27th March 2012 which is almost a year ago and that as of now, the probate proceedings have barely started. I have also noted that the Petitioners have obtained confirmation from the local chief attesting to the fact that they are the survivors of the deceased person.

6. Given the need for the dependants to meet their own upkeep, pay school fees and indeed legal fees in respect of the probate proceedings, and given that the attention of the court has not been drawn to any challenge to the Petitioners eventually being granted the grant of letters of the estate of the deceased, I am inclined to allow the application.

7. In the result, I order that special limited grant of letters of administration be granted to Selly Cheptonui

Orindo and Pennina Chebet limited to accessing funds in the bank accounts stated in paragraph 6(I)(d) of the supporting affidavit which funds are to be utilised for purposes of meeting family upkeep, paying school fees and paying legal fees to E.A. Miruka Advocate to enable him pursue grant of full letters of administration for the estate of the deceased. The limited grant should clearly stipulate that the Petitioners shall manage the estate diligently and in trust for Risper Chebet, Naomi Chepkorir, Mercy Chelangat and Collins Kiptoo, all minors and dependants of the estate.

IT IS SO ORDERED.

DATED AND SIGNED AT NAIROBI THIS 20th DAY OF FEBRUARY 2013

**J.M MUTAVA
JUDGE**