



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

SUCCESSION CAUSE NO. 88 OF 2002

IN THE MATTER OF ESTATE OF DOUGLAS KIPSIRNGOT RUTO - DECEASED

AND

JOSEPHINE RUTO CHEBET.....PETITIONER

VERSUS

ALICE CHEPNGENO RUTO.....RESPONDENT

RULING

This is a Ruling on the application dated 30th November 2010 in which the objector/Applicant, **ALICE CHEPNGENO RUTO**, seeks an order that the Deputy Registrar of this Court be authorized to sign the necessary documents to enable the parties herein to get their respective shares in the estate of the late Douglas Kipsirngot Ruto. The application is supported by the applicant's affidavit sworn on 30/12/2010. Although the Respondent/Petitioner did file on 20th January 2011 a replying affidavit in answer to the application, she did not turn up for the hearing of the application on 15/3/2011. Nevertheless I have perused her affidavit and considered it in my decision in this ruling along with the submissions made by Mrs. A. C. Bett, learned Counsel for the Applicant.

The succession cause herein has been heard and finalized. Judgment was delivered by the Hon. Mr. Justice L. Kimaru on the 19th day of October 2009 in which the estate of the late Douglas Kipsirngot Ruto was distributed in the manner therein stated and as set out more particularly in the Certificate of Confirmation of the Grant dated 19/10/2009. No appeal was filed against the said judgment. The judgment of the court has not however been implemented because the Respondent/Petitioner has failed to sign the necessary papers. I have considered the submissions made by Advocate Mrs. A. C. Bett and I

have discerned from the replying affidavit of the Respondent/Petitioner that she has raised issues concerning division of rent collected but these cannot constitute a good ground for refusing to sign the necessary documents to give effect to the judgment as cash can always be brought into hotchpot during payment.

In the result, I find merit in the application and I allow it. I order that the Deputy Registrar of this Court is hereby authorized to sign the necessary documents and/or instruments to give effect to the judgment of this court dated 19th October 2009 so that 17 acres of the land comprised in the title No **Kericho/Silibwet/663** is transferred to the applicant, **ALICE CHEPNGENO RUTTO**, and 6.2 acres comprised in title No **Kericho/Silibwet/66** is transferred to the Respondent, Josephine Chebet Ruto. It is so ordered. Each party shall bear its own costs.

DATED at **KERICHO** this 23rd day of March, 2011

G.B.M KARIUKI, SC

RESIDENT JUDGE

COUNSEL APPEARING

Mrs. A.C. Bett, Advocate, for the Applicant

Mrs. C.K. Korir, Advocate, for the Respondent

Mr. R. Koech, Court clerk