

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Succession Cause 479 of 2009

IN THE MATTER OF THE ESTATE OF TAPSIROREI MOIMETT (DECEASED)

MESHACK MOIMETT.....PETITIONER

RULING

This is an application under **Rule 10** of the **Probate and Administration Rules** for an order of presumption of the death of TAPSIROREI MOIMETT who is said to have died in 1966 at Masaba village, Koibatek District. It is averred that at the time of her death there was no requirement for mandatory registration of deaths hence her death was not recorded. The Assistant Chief Poror/Arama Sub-location has confirmed that indeed the deceased who hailed from his sub-location died on 7th July, 1966 and was survived by six adult dependants. It is also confirmed that the deceased had assets which the dependants would like to administer and have indeed applied for a grant of representation.

I am satisfied from the foregoing that the deceased died in 1966 as confirmed by the Assistant Chief and the applicant, by word of mouth. It is therefore declared that the deceased is presumed dead.

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The application for a grant of letter of administration herein may proceed in the normal manner.
I make no orders as to costs.

Dated, Signed and Delivered at Nakuru this 29th day of January, 2010

W. OUKO
JUDGE