



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KERICHO

Succession Cause 229 of 2006

IN THE MATTER OF THE ESTATE OF
KIBET ARAP SANG DECEASED

AND

1. RACHEL C. NGENO} 1ST PETITIONER
2. ANNAH C. SANG} 2ND PETITIONER
3. DENNIS K. KIBET} 3RD PETITIONER

RULING

Confirmation of grant of letters

1: Summons for confirmation of grant of letters intestate filed and dated 11th February, 2009.

1. Aged 75 years old, the deceased a male adult died on 20th April, 1991 at Tenwek hospital of pneumonia.
2. There were two widows namely two houses. The first house was of Rachael Chebore Ngeno. The second house was Anna Chemutai Sang. I was unable to determined how many children they both had but it was almost 12 children, some being minors.
3. In the application to confirm grant it was agreed that land be approved to 2.15 acres for house No. 1 and 2.00 acres for house No. 2. What was not comprehensible was 0.6 acres going to Denis Kipkorir.
4. The deceased had only one asset being Kericho/Sosiok/2005.
5. Liabilities was that of two purchasers.

II: Findings

6. This application must be rejected. The Kenya Gazette Notice was issued on 28th December, 2006 (No. 404).

7. Letters of administration intestate was issued on 22nd February, 2007 (*Koome J*).
8. There was no form 30 to confirm that no other similar grant had been issued at the Principal probate registry.
9. The form P&A 5 disclosed the two houses the deceased had including the children. I am unable to understand how the widows have minor children when the deceased had died 18 years previously.
10. There are minor children yet deceased could not sire children within the 18 years he was not alive.
11. I accordingly reject this application. I further order that purchasers should produce their sale agreements as proof of having entered into an agreement in this matter.
12. I accordingly dismiss this application for confirmation of grant until the file is regularized. The costs be in the estate.

DATED this 16th day of June, 2009 at KERICHO

M.A. ANG'AWA

JUDGE

Advocates

S.G. O'nganyi Advocate instructed by M/S.S.G. O'nganyi & Co. Advocate

for the Petitioners/Applicants-present