



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
IN THE MATTER OF THE ESTATE OF
MARTHA CHEPNGENO KETERDECEASED
VERSUS
MOSES C.A. TERER} 1ST PETITIONER
KENNEDY CHEPKWONY} 2ND PETITIONER
RULING

Confirmation of grant of probate

1. Application to confirm grant of probate of letters intestate dated 14th October, 2008.
2. The deceased, a female adult aged 85 years old on 30th April, 2007 passed away due to cardiopulmonary arrest due to CVA due to cerebral embolism due to hypertension.
3. She was survived with three (3) sons whose ages were unknown. It was later when it transpired the three (3) sons had other siblings all sisters; possible six in number.
4. The temporary grant of letters was issued on 18th September, 2008 (*G.B.M Kariuki*) and Kenya Gazette dated 6th December, 2007.

II: Application to confirm grant had asset of land parcel 108/LR Kericho/Sosiot/534

5. There was moneys in two bank accounts.
6. Application to confirm the grant was sought.

III: Findings

7. I reject this application for confirmation of grant on grounds the six surviving daughters were never mentioned in the petition. They require to be mention as survivors.
8. Accordingly the application is rejected. The applicants to re file form P&A 5 a fresh. P&A 57 to be signed and sealed and registered. The costs be in the estate.

DATED this 16th day of June, 2009 at **KERICHO**

M.A. ANG'AWA

JUDGE

Advocates

D.O.Akinyi Advocate instructed by M/S. Akinyi & Co. Advocates for the Petitioners/Applicants-present