



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
SUCCESSION CAUSE 88 OF 2008
IN THE MATTER OF THE ESTATE OF THE LATE
TABSABEI CHELANGAT CHUMODECEASED
AND
SAMWEL KIPKEMOI CHUMO) 1ST PETITIONER
JOHANA KIPLANGAT CHUMO.....) 2ND PETITIONER
RULING

Grant of probate of letters of administration intestate

I: Summons for confirmation of grant dated 2nd June, 2009

1. This cause is definitely irregular and suspect.
2. The deceased, a female adult aged 85 years old called Tabsabei Chelangat Chumo passed away on 12th March, 2008. The cause of death being cardiac –cerebral malaria.
3. On 2nd July, 2008 grant of letters intestate was applied for. A Kenya gazette was signed by the deputy register and not the judge as is required where there is a High Court on the very same date of 2nd July, 2008. There was no request to the principal registry.
4. Temporary grant was issued on 22nd September, 2008 (*G.B.M. Kariuki J*).
5. When the application was applied for and dated 2nd June, 2009 it was further transpired that there were purchasers of land probably sold without the knowledge of the deceased.
6. This may have been irregular and may require to be established.

II: Findings

7. The application for confirmation of grant is rejected. The original death certificate be deposited to Court. The said form P&A 57 be registered at the lands department P&A 5 to disclosed the relationship to the deceased. The said apparent be disclosed.

8. There will be costs in the estate.

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

M.A. ANG'AWA

JUDGE

Advocates – Nil