



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO**

Succession Cause 88 of 2008

1. Family Law
2. Law of Succession

- a) Application for confirmation of grant of letters intestate
- b) Deceased female adult aged 89 years old and died on 12th March, 2008 of cardiac – cerebral malaria
- c) Grant of letters applied for on 2nd July, 2008
- d) Kenya Gazette signed by Deputy Registrar and not judge irregularly on 2nd July ,2008 being same date when the grant was filed without a request to the Principal Registry
- e) Letter of grant signed 22nd September, 2008.
- f) Application to confirm grant applied for and dated 2nd June, 2009.
- g) Transpired that portion of property sold to purchasers without leave of court.

0. Held

- a) Confirmation of grant rejected.
- b) Administrator to regularize this cause.
- c) There is no confirmation from Principal Registry on Form P&A 30 that grant is properly issued. P&A 57 not sealed signed and registered with the lands department. P&A 5 to disclose apportionment of survivors

0. Case Law – Nil.

1. Advocate - Nil

IN THE MATTER OF THE ESTATE OF THE LATE

TABSABEI CHELANGAT CHUMODECEASED

AND

SAMWEL KIPKEMOI CHUMO1ST 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