



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

Succession Cause 24 of 2006

1. Family Law
2. The Law of Succession
3. **Application for confirmation of grant.**
 - a) Male adult (*deceased*) aged 59 years old at death 20th April, 1993.
 - b) Cause of death stroke/lightening.
 - c) Survivors. Widow aged 55 years old sons 43,41,35,23,17 daughters 22,32 years (married)
 - d) Kenya Gazette notice 9th February, 2006.
 - e) P&A 30 received 22nd July, 2008
 - f) P&A 41 Temporary grant of letters intestate 9th October, 2008 G.B.M Kariuki J
 - g) Application for confirmation of grant 5th February, 2009.

4. Held

Confirmation of grant granted subject to clarification of ages of widow and survivors as of October, 2009.

5. **Case Law** – Nil

6. **Advocate** – Nil

IN THE MATTER OF ESTATE OF
KIBIRECH ARAP MAIYA DECEAED
AND
CHEPKOECH TAPTUEI MAIWAAPPLICANT

RULING

Confirmation of Letters of grant Intestate

Reasons

I: Background

1. Kibirech Arap Maiywa (*deceased*) was aged 59 years old on 20th April, 1993. He passed away due to a stroke caused by lightening.
2. He has surviving him a widow who is also a Petitioner/adminstratrix aged 55 years old in 2006 when this Petition had been filed for letters.
3. Those named as survivors were five sons aged 43,41,35,23 and 17. Later by an amended P&A 5 two daughters were disclosed being aged 22 years and 32 years, old respectively.
4. Kenya Gazette was issued on 9th February, 2006. This was irregularly done as the registry must await form P&A 30 from the Central Registry received 22nd July, 2008 before seeking for Kenya Gazette advertisement.
5. There had been no challenge to this Petition.
6. Letters of grant intestate was issued on 9th October, 2008 G.B.M Kariuki J on form P&A 41.
7. The applicants (*adminstratrix*) now apply for confirmation of grant dated 5th February, 2009.

II: Findings

8. The application was granted but there was a discrepancy on the ages of the survivors – male adult sons and one minor son.
9. In 2006, the ages of the survivors had not changed in 2009 when the application was made. This court hereby orders and directs that the Petitioner do disclose the ages of herself and all the survivors as of 22nd October, 2009 inform P&A 5.
10. If there are minors as of 2009, there requires to be two administratrix/administrator to this grant.
11. Once the above is confirmed by the Deputy Registrar to ensure this is in order, this matter to be mentioned on November, 2009 at 9.00a.m.

DATED this 22nd day of October, 2009 at **KERICHO**

M. A. ANG'AWA

JUDGE