



REPUBLIC OF KENYA

IN THE HIGH COURT

AT KERICHO

Probate & Administration 119 of 2003

IN THE MATTER OF ESTATE OF THE LATE
KIPLANGAT A. KOLIL – DECEASED
AND

JONATHAN KIPKOECH LANGAT - PETITIONER

RULING

Rectification of grant

1. Procedure

1. All along this probate matter the applicant has been acting in person. M/S C. K. Korir & Co. Advocate filed an application dated 5th October 2009 seeking for orders from this court to rectify the said grant and include a new property as the grant confirmed reflected the property as shares Songonyet FCS instead of the land title reference.
2. In order to act for the applicant the advocate must be appointed by the applicant in form P&A 63. As this was never done, the application is a nullity and as such being irregularly filed by a person not representing the applicant, it is accordingly struck out.
3. If perchance, a notice of appointment was filed, (*which is denied*) as of 14th October 2009, this court notice that the deceased passed away in 1970. His age is unknown. He had two houses. House No.1 had five daughters and house No.2 had 7 children of which 6 daughters of whom

the applicant was the only male in that house. He successfully applied for letters of grant intestate that was issued on 10th December 2003 P&A 41 at Kericho (*M. Apondi j*). The grant was confirmed on 25th October 2004 (*Kimaru J*) giving the applicant the absolute right to the deceased property and to his shares. There are two unmarried daughters; Mary Cherono and Caroline Chepngetich.

4. All the shares were said to have been identified but not disclosed in the application. No consent to making of the grant was made.
5. The property to be rectified is completely different from the shares. The applicant is to file a further affidavit of how this property is related to the land parcel. I note the deceased died in 1970. The description of the shares and consent from other benefits are required. **Rule 41(2) of P&A Rules** may have applied.
6. The application 5th October 2009 stands struck out as the advocate is not on record.

Dated this 30th day of November 2009 at Kericho

M. A. ANG'AWA
JUDGE

Advocates

- C. K. Korir Advocate instructed by M/S C. K. Korir & Co. Advocates for the Petitioner/Applicant; present.