



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
Succession Cause 183 of 2006

IN THE MATTER OF THE ESTATE OF THE LATE
TAPLELEI W/O MARTHA CHEBET MITEIDECEASED
AND
KIPROTICH ARAP KIGEN PETITIONER
RULING
Application for confirmation of grant intestate

I: Background

1. The late Taplelei wife of Mitei alias Martha Chebet Mitei passed away aged 94 years old on the 11th September, 1999 due to old age. She died at Kapsogut – sub location.
2. Surviving her are three sons aged 69, 55, 53. A fourth son had died but his house is represented by the deceased grandson aged 51 years old.
3. There are married daughters three in number who are above aged 79, 75 and 60 and one who has since passed away.
4. The only assets the deceased has is land parcel LR Kericho/Cheborge/41 measuring 2.63 ha.
5. On 25th September, 2006 the Petitioner Kiprotich Arap Kigen aged 69 years related to the deceased as a son applied for letters of grant intestate. The grant of letters was issued on 23rd July, 2007 (*Kimaru J*).

II: Application for confirmation of grant

6. By application of 29th September, 2009 the confirmation of the said grant.
7. The law requires that the apportionment be made amongst all the survivors. The applicant approved the grant amongst the three sons and one grandson. There were two daughters who presented a letter each separately written by them and print their mark on stating that they did not wish to have a share to the estate.
8. The daughter aged 60 years old Tabelgaa Chepkuruilaitor wrote no such letter. This was written by an assistant chief stating she is not interested in the estate of the deceased. She attends court nonetheless.

III: Opinion

9. The rights of the daughter survivor must be considered herein. The letter from the chief is not a substitute to her renouncing the

estate. She did attend court and notified court that she renounces estate.

10. It is hereby agreed/ordered that this application be and is hereby granted and duly confirmed to court.

DATED this 26th day of November, 2009 at **KERICHO**

M.A. ANG'AWA

JUDGE