



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KERICHO

Succession Cause 272 of 1999

IN THE MATTER OF THE ESTATE OF THE LATE

WILLY KIBII TEGUTWO DECEASED
AND
ELIZABETH CHEPKOECH TEGUTW.... PETITIONER

RULING

NO. 3

Clarification under Rule 41(2)
of the Probate and administration rules

I: Background

1. By an application dated the 25th March, 2009, this court required further explanation as to the parties and assets.
2. This was given partially.
3. The question arose as to James Kiprono Bii why his name appears twice and if he is the one and same person.
4. The second was to Grace Cheptonui Bii. Who was not originally on the P&A 5 list.

II: Further explanation

5. The further explanation was provided whereby the said James Bii said he was allocated two shares of the estate assets.
6. The said Grace Cheptonui Bii was substituted to represent her husband who passed away on 6th December, 2008.
7. This is as per the reflected letters of grant affidavit P&A. 5 duly amended.

II: Opinion

8. The court under **rule 41(2)** of the Probate and administration rules is satisfied with the explanation given to this court.
9. The grant of letters of administration intestate of 19th October, 2006 (*Musinga J*) and the summons for grant of confirmation of 25th March, 2009 be and is hereby confirmed as prayed.
10. James Kiprono Bii will have the two portion of

Kericho/Chemoiben/488 -0.85 acres

Kericho/Chemoiben/488-0.08 acres

11. Grace Cheptonui Bii Kericho/Chemoiben/488 – 3.34. Subject to letters of grant to her late husband.
12. The application be and is hereby granted with costs in the estate.

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

M.A.ANG'AWA

JUDGE

J.J. Onyango advocate from M/S Jamsubah Onyango & Co. advocate instructed to hold brief for
M/S V.K. Biii & Co. advocates for the Petitioner/Applicant - present