



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

**Succession Cause 52 of 2002
IN THE MATTER OF THE ESTATE OF THE LATE**

1. Family Law
2. Law of Succession
3. Application for the confirmation of grant 19th November 2009
 - i) Survivors include two male adult
 - ii) Two sister in-law
 - iii) Two married sisters not mentioned in application
4. Held;
 - i) The application for confirmation of grant be refiled to state the status of Martha Cheruto Mwei aged 75 years married daughter and Raely Chepkoech Kemei aged 64 years married daughter.
5. Case Law; Nil.
6. Advocate; Nil

**CHESIMET ARAP TIROP (DECEASED)
AND**

DAVID KIPKEMOI BIEGON.....1ST PETITIONER

TOWETT A. ROTICH.....2ND PETITIONER

ELIZABETH CHEPKORIR LANGAT.....3RD PETITIONER

ESTHER CHEPKEMOI ROTICH.....4TH PETITIONER

RULING NO.1

(Application for confirmation of grant of letters intestate).

I. Procedure

1. The deceased a male adult aged 80 years old on 6th February 1989 passed away at the Kericho District Hospital. He died intestate.
2. Those surviving him included two sons aged 46 and 62 years respectively. Two daughters in law aged 47 & 42 years respectively.
3. On 26th October 2009 the applicants disclosed there were two daughters Martha Cheruto Mwei and Raely Chepkoech Kemei both aged 75 and 64 years respectively and are married.
4. The two were left out in the application for confirmation of grant.
5. Under **Section 41(2)** of the P&A rules it is hereby ordered that the said grant be kept in abeyance and an amended application be

filed indicating the states of the two biological daughters in this matter.

6. Further clarification is required from the applicants.

Dated this 26th day of November 2009 at Kericho

M. A. ANG'AWA
JUDGE