



1. Family Law
2. Subject of main application
 - a. The Law of Succession. Cap 160 Laws of Kenya
 - b. Application for confirmation of grant of letters intestate
 - c. Male adult deceased aged 90 years old on 30th May, 1991.
 - d. Kenya Gazette (11th October, 2007) (Deputy Registrar)
 - e. P&A. 30 Principal Registry 1st March, 2008.
 - f. Temporary letters of administration P&A 41, (10th April, 2008).
3. **Application to confirm Temporary grant**
 - A. All survivors included
 - i. Two sons
 - ii. Three married daughter
 - iii. One daughter in law
 - iv. Widow of deceased. Presumed death
4. **Assets LR Kericho/Kapsuser/1504**
 - 3.2 ha
 - i) Share amongst the male 2.96 each
 - ii) Daughter have no share.
5. **Held**

Confirmed subject to daughters shares.
6. Case Law – Nil
7. Advocates – Nil

**REPUBLIC OF KENYA
IN THE HIGH COURT
AT KERICHO
Succession Cause 313 of 2007**

IN THE MATTER OF ESTATE OF

DANIEL KIMORU alias DANIEL ARAP MORU ... DECEASED

VERSUS

KIKWAI ARAP NGENO1ST PETITIONER

ELIJA KIPLELGO NGENO2ND PETITIONER

RULING

Application dated 3rd February, 2009

for confirmation of Letters of Grant intestate

I: Background

1. The deceased a male adult aged 90 years old on 30th May, 1991 passed away intestate
2. He left survivors
 - a. Kikwai Arap ngeno son 67 years
 - b. Elijah Kiplelgo Ngeno son 57years
 - c. Sophia Ngenodaughter in law 65 years
 - d. Taplegaaa Marindany married daughter 75 years
 - e. Taprandich Tiony married daughter 70 years
 - f. Tapranda Chebochok married daughter 64 years
3. The only assets the deceased had was LR Kericho/Kapsuser/1504 measuring 3.2 ha.
4. Letters of grant (temporary) was issued on 10th April, 2008 (*Koome J*) Kenya Gazette issued on 11th October, 2007. P&A. 30 from Principal registry 1st March, 2008.

II: Application for confirmation of grant

5. The applicant has divided the assets amongst the two sons and one daughter in law at 2.96 acres. No share has been given to the daughters.
6. The applicant No.1 has further sold his share before the grant is confirmed. The law requires no sale of the deceased property be done until confirmation of grant and where there is a trust, with leave of the court.
7. The application to confirm grant be and is hereby granted on condition that Kikwai Arap Ngeno, son and administrator herein be responsible for any claim made by the three daughters as to their shares that may be compensated.
8. The costs be in the estate.

DATED this 23rd day of November, 2009 at KERICHO

M.A. ANG'AWA

JUDGE