



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

**Succession Cause 59 of 2008**

1. Family Law
2. Subject of main application
  - a) Law of Succession
  - b) Letters intestate
  - c) Deceased male adult aged 57 years old on 22<sup>nd</sup> February, 1979.
  - d) Survivors to deceased estate.
    - i) Male adult aged 60 years in 2009 son married
    - ii) Female adult aged 58 years in 2009 daughter married
    - iii) Assets LR Kericho/Kaplelartet/186
  - e) Grant of letters of confirmation of grant
    - i) Kenya Gazette 14<sup>th</sup> May, 2008
    - ii) Temporary letters of grant 9<sup>th</sup> October, 2008 G.B.M. Kariuki J
    - iii) P&A 30 filed
    - iv) Revocation by married daughters 18<sup>th</sup> November, 2009
    - v) Caution received.
3. Application 31<sup>st</sup> August , 2009 for summons for confirmation of grant
4. **Held**
  - a. Application granted.  
Grant for confirmation of grant
5. **Case Law** - Nil
6. **Advocates**

E.M. Orina Advocate instructed by M/S E.M. Orina & Co. Advocates for the Petitioner/Applicant – present

Petitioner/Applicant - present

**KIMESIS CHERUIYOT MOSONIK ..... DECEASED**

**AND**

**JAMES KIPTERER KOECH .....PETITIONER**

**RULING**

**Application 31<sup>st</sup> August, 2009**

**for confirmation of grant of letters intestate**

**I: Background**

1. The deceased passed away on the 22<sup>nd</sup> February, 1979 aged 57 years old, male adult. I am not quiet sure what happened to his widow but the survivors to the estate is said to be the applicant/petitioner James Kipeterer Koech who is now aged 60 years old and is related to the deceased as his son.
2. It took him a considerable time to disclose that the deceased had a daughter aged 58 years old and is now married. She has since filed a renunciation of her rights to apply for the letters of administration intestate.

3. The only assets to the estate is Land parcel LR Kericho/Kaplelartet/186 that comprises of 16.0ha. There was a restriction placed on it on 24<sup>th</sup> January, 1992 and a caution dated 21<sup>st</sup> June, 1993 whereby a purchaser claimed interest.
4. The said purchaser interest has now been raised as of 17<sup>th</sup> November, 2009 and the property is free of any encumbrances.

**II: Confirmation**

5. The applicant was issued with Letters of grant intestate on 9<sup>th</sup> October, 2008(*G.B.M. Kariuki J*). He now prays that those letters be confirmed.
6. Court order is hereby granted that the grant be confirmed. The assets of the deceased to go the deceased son and applicant herein absolutely subjected to the widow of the deceased who has a life interest to the property.
7. Cost to the estate.

**DATED** this 23<sup>rd</sup> day of November, 2009 at **KERICHO**

**M.A. ANG'AWA**

**JUDGE**

**Advocates**

E.M. Orina Advocate instructed by M/S E.M. Orina & Co. Advocates for the Petitioner/Applicant – present  
Petitioner/Applicant - present