



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

Misc Prob & Admin 39 of 2007

IN THE MATTER OF THE ESTATE OF THE LATE CHERONO MULWA

THROUGH

LAWRENCE KORIR CHERONO & 2 OTHERS.....PETITIONERS

AND

SABILINA KOSGEI & ANOTHER:.....OBJECTORS/APPLICANTS

R U L I N G

The applicants application seeks for temporary injunction to issue against the respondents restraining them, their agents and/or servants from selling, transferring construction or developing or interfering with land Parcels No. **IRONG/SERGOIT/450** and **387** pending the hearing and determination of this application for annulment of grant.

It was deponed and submitted that applicants are beneficiaries of the Estate of the late **CHERONO MULWA**. The respondents however obtained Letters of Administration without disclosing that there were other beneficiaries. The grant was confirmed and the respondent were selling the land, assets of the Estate.

The respondents were served with the application but did not file any papers opposing the same. Hearing proceeded exparte.

I have amended the application, submissions and the affidavits. The applicant claim to be heirs of the deceased's estate but they were left out when the respondents applied for grant. This averment has not been challenged. A sale agreement between one of the respondent and a 3rd party was annexed showing that part of the land is being sold. I therefore feel that there is need to preserve the Estate until the application for revocation is heard and determined.

In the circumstances I allow the application as prayed. The respondents are hereby restrained by an injunctive order for selling transferring or in any way transferring with the two pieces of land until application is heard.

Costs in the cause.

Dated and Delivered at Eldoret on 9th March 2007.

KABURU BAUNI

JUDGE

C.C.

C/C - David

Mrs. Kittony for applicant