

IN THE HIGH COURT OF KENYA AT ELDORET
Succession Cause 193 of 1995

IN THE MATTER OF THE ESTATE OF PAUL KUTO MAIYO (DECEASED)

RULING

This is an application by way of Summons for confirmation of grant. It was dated 23rd December 2002 and issued by the Deputy Registrar on 7th April 2004. It was an application by Mary J. Ruto and David K. Ruto the administrators of the estate of Paul Ruto Maiyo.

At the hearing of the application the petitioners did not attend court. They had also failed to attend court on 2nd November 2004 when the application had come for hearing. On both 2nd November 2004 and 9th May 2005 Charles Kiptoo and John Koima, who were purchasers of land from the deceased were in court. They urged the court to confirm the letters of administration so that they can get title to the portion of land that they bought from the deceased.

From the court record on 24th June 2004 the applicants/administrators were the ones who appeared before the Deputy Registrar and fixed the application for confirmation of grant for hearing on 2nd November 2004. The administrators, in their documents filed in the petition as well as in the affidavit in support of the Summons for confirmation of grant, acknowledged that Charles Kiptoo Chepkei and John Koima Masa were purchasers of land from the deceased. They agree that the two each get 4 acres of land, that is

-

Charles Kiptoo Chepkei – 4 acres – UG/TUIYOLUK 6130(21)

John Koima Masa - 4 acres – UG/TUIYOLUK 6130(21)

However, looking at the Summons for confirmation of grant and the entire documents filed in the petition, there is no record or receipt that shows that any court fees were paid. In those circumstances, I cannot make any orders regarding the confirmation of grant unless I am satisfied that all the court fees has been paid.

I therefore order that the Deputy Registrar should ensure that all relevant court fees has been paid, before I proceed with this matter further. The matter will be mentioned on 20th June 2005 to confirm whether court fees has been paid.

Dated and Delivered at Eldoret this 30th Day of May 2005

George Dulu

Ag. Judge