



REPUBLIC OF KENYA



In re Estate of Joseph Kiptanui Kipkoech (Deceased) (Succession Cause 151B of 2012) [2024] KEHC 128 (KLR) (15 January 2024) (Ruling)

Neutral citation: [2024] KEHC 128 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 151B OF 2012
SM MOHOCHI, J
JANUARY 15, 2024
IN THE MATTER OF THE ESTATE OF JOSEPH KIPTANUI KIPKOECH**

**IN THE MATTER OF
ESILENE KABON TALLAM APPLICANT**

RULING

1. This Court had on 30th May, 2023 directed the Executor to file a summons for confirmation of grant with a written will.
2. The executor complied and filed a summons dated 21st August, 2023, supported by her sworn affidavit and signed consent.
3. She appears not to have sought consent of beneficiaries to the deceased will dated 11th February, 2009.
4. This Court even with the shortcoming shall allow the summons dated 21st August, 2023 on the following terms: -
 1. The Executor shall file a consent form signed by the beneficiaries.
 2. The Executor shall file a clear schedule extracted from the will indicating and properly describing the asset (Land reference number) and the beneficiary bequeathed.
 3. A certificate of confirmed grant shall be issued upon compliance with (1) and (2) above.

It is so ordered.

RULING DATED, SIGNED AND DELIVERED AT NAKURU ON THIS DAY OF 15TH DAY OF JANUARY, 2024.

S. MOHOCHI

JUDGE

