



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Kipkosgei Arap Moita (Deceased) (Succession Cause
25 of 1995) [2023] KEHC 3206 (KLR) (19 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3206 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 25 OF 1995**

RN NYAKUNDI, J

APRIL 19, 2023

IN THE MATTER OF THE ESTATE OF THE LATE KIPKOSGEI ARAP

MOITA

DECEASED

BETWEEN

JOSEPH KIPSANG KOSKEI APPLICANT

AND

CORNELIUS BUNGEI KIRORYO RESPONDENT

RULING

1. The applicant approached this court under certificate vide a summons dated April 15, 2023 seeking the following orders;
 1. Spent
 2. The court be pleased to arrest the ruling and judgement set to be delivered on April 19, 2023 pending hearing of the application inter partes.
 3. That the proceedings made on February 13, 2023 and February 27, 2023 be set aside and the applicant be granted leave to respond to the application dated July 15, 2022 and file submissions on the same.
 4. That the honourable court to issue further or better orders as shall meet the ends of justice
2. Upon consideration of the application and the affidavit in support of the same, I hereby exercise discretion pursuant to Section 66 of the *Succession Act* and Rule 73(1) of the *Probate and Administration Rules* to appoint Legal Representatives /Administrators namely: Cornelious Bungei Kiroryo and Reuben Kosey Kipserem in respect of the intestate estate of the late Kipkosgei Arap Moita.



In the same context leave is granted to the Applicant in summons dated April 15, 2023 to canvass any matters arising as to why he moved the court to arrest the judgement on the mode of distribution. The application be served upon the administrators and other beneficiaries to be canvased on May 8, 2023.

3. It is so ordered.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 19TH DAY OF APRIL 2023.

.....

R. NYAKUNDI

JUDGE

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