



In re Estate of Penina Chepkoech Kapere (Deceased) (Succession Cause 65 of 1996) [2023] KEHC 18633 (KLR) (5 June 2023) (Ruling)

Neutral citation: [2023] KEHC 18633 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 65 OF 1996
RE ABURILI, J
JUNE 5, 2023**

IN THE MATTER OF THE ESTATE OF: PENINA CHEPKOECH KAPERER (DECEASED)

BETWEEN

AUSTINE AUMA KAPERER PETITIONER

AND

GEORGE KAPERER 1ST APPLICANT

MILDRED KAPERER 2ND APPLICANT

RULING

1. In this succession cause, as part of the estate was erroneously transferred and registered in the name of the previous administrator Mr. Austine Auma Kapere before the grant issued to him was confirmed by the court contrary to Section 45 of the *Law of Succession Act*, I hereby proceed and revoke and cancel the transfer and registration of title to Land Parcel No Kapkoi/Mabonde/Block 1/Ex-Prison/138 in the name of Austine Auma Kapere and order that the said registration and title shall revert back to the estate of the deceased Penina Chepkoech Kapere, to be administered and distributed in accordance with the law.
2. This order to be served upon the Land Registrar Trans Nzoia County, to effect the cancellation/revocation and reversion of the said title back to Penina Chepkoech Kapere.
3. In the meantime, as the summons for confirmation of grant dated June 7, 2022 is premature since part of the estate is not yet available for distribution to the beneficiaries, the said summons for confirmation of grant dated June 7, 2022 is hereby struck out.
4. In addition, as the administrators herein were enjoined to these proceedings to administer the estate part of which was erroneously registered in the name of one of the beneficiaries following the initial



grant, I hereby on my own motion revoke the grant issued to the three administrators namely, Austine Auma Kapere, George Kapere and Mildred Achieng Kapere.

5. Having revoked the grant, nothing remains on the record. I order that the beneficiaries of the estate of the deceased now petition for a fresh grant of representation of the estate of the deceased Penina Chepkoech Kapere after the revocation/cancellation of the title No Kapkoi/Mabonde/Block 1/Ex-Prison/138.
6. This file is accordingly closed save that it will serve as an institutional memory for the fresh petition which shall be filed in a separate file.
7. I so order.
8. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 5TH DAY OF JUNE, 2023

R. E. ABURILI

JUDGE

