



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**SUCCESSION CAUSE NO. 219 OF 2014**

**IN THE ESTATE OF THE LATE JOHN KIPKURUI TESOT.....DECEASED**

**GEOFFREY K. KIRUI.....PETITIONER/APPLICANT**

**- V E R S U S -**

**KIPNGENO ARAP KIRUI.....1<sup>ST</sup> OBJECTOR**

**RICHARD KIPROTICH KIRUI.....2<sup>ND</sup> OBJECTOR**

**R U L I N G**

**ORDER**

1. The Summons for rectification dated 20/1/2021 is seeking to have the property Land Parcel *No.KERICHO/CHEMOIBEN/827* measuring 4.136 Hectares shared equally amongst all the beneficiaries of the Estate of the Deceased herein.
2. This Court had directed that the District Surveyor Bureti to visit the property and confirms the actual acreage and he has filed a report dated 24/11/2020 stating that the Land is 4.136 Ha.
3. Each of the Beneficiaries will be entitled to 0.8272 Ha. The Land is situated in the same location and no one will be prejudiced.
4. This mode of distribution is in accordance with the law which requires that the property be shared equally.
5. I allow the summons for rectification as the same is fair and in accordance with the law.
6. The rectified Certificate of Confirmation to issue accordingly.
7. Anyone opposed to the said mode of distribution to file an appeal to the Court of Appeal within 28 days of this date.

**DELIVERED, SIGNED AND DATED AT KERICHO THIS 8<sup>TH</sup> DAY OF FEBRUARY, 2021.**

**A. N. ONGERI**

**JUDGE**