



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

SUCCESSION CAUSE NO.322 OF 2015

IN THE MATTER OF THE ESTATE OF THE LATE KIPSANG NANIWETT

RICHARD MITEI.....OBJECTOR/APPLICANT

VERSUS

JANE CHEBII TAPNYOLE.....PETITIONER/RESPONDENT

RULING

1. The Application coming for consideration in this ruling is the one dated 29/1/2020 seeking the following Orders:-

(i) THAT this application be and is hereby certified as urgent and service be dispensed with in the first instance

(ii) THAT this Honourable Court be pleased to issue an order directing the officer in charge of Ainamoi Police Station to provide security to this applicant and the surveyor who will be visiting Land Parcel No.KERICHO/AINAMOI/333 for purposes of demarcation and subdivision in execution of the certificate of confirmation of grant dated 4/6/2019.

(iii) THAT the Deputy Registrar of this Honourable Court be ordered to execute transfer forms and any other document required for the subdivision and transfer of Land Parcel No. KERICHO/AINAMOI/333.

(iv) THAT costs of this Application be provided for.

(v) THAT this Honourable Court be pleased to issue any other relief, order and/or directions that it deems just and fit to grant for purposes of execution of the certificate of confirmation of grant dated 4/6/2019.

2. The application is supported by the Supporting Affidavit of the Applicant JANE CHEBII TAPNYOLE in which it is deposed that the Applicant is the Administrator of the Estate of the deceased herein.

3. Further, that the Court granted a Certificate of Confirmation dated 4/6/2019 which cannot be executed due to resistance from one RICHARD MITEI necessitating the filing of this application seeking assistance from OCS AINAMOI Police Station and also the assistance of the Registrar of this Court to execute the transfer.

4. The Applicant also deposed that she procured the services of a Surveyor for purposes of demarcation and subdivision of Land Parcel No.KERICHO/AINAMOI/333 but the Respondent resisted the said Exercise.

5. The Objector opposed the Application dated 29/1/2020 and filed a Replying Affidavit dated 4/1/2021 sworn by WELDON KIMUTAI NGETICH in which it is deposed that the Application dated 29/1/2020 was backdated to make it appear it was filed long time ago.

6. The Respondent's Advocate further stated that all the issues were resolved in a meeting held on 9/10/2020 and further that all issues were fully settled.

7. The parties were directed to file written submissions which this Court has duly considered.

8. I find that there is an indication that the parties have settled this matter.

9. The constitution of Kenya mandates the Courts to promote A.D.R under Article 159 of the Constitution.

10. I direct that the parties appear in Court within 30 days of this date for directions.

DELIVERED, DATED AND SIGNED AT KERICHO THIS 1ST DAY OF OCTOBER 2021.

A. N. ONGERI

JUDGE