

REPUBLIC OF KENYA

IN THE HIGH COURT

AT KERICHO

SUCCESSION CAUSE NO. 133 OF 2007

IN THE MATTER OF THE ESTATE OF PAUL KIPNGENO CHUMO (DECEASED)

ZACHARIA KIPKORIR NGENO.....1ST PROTESTOR

VERSUS

CHRISTINE CHEMUTAI NGENO.....RESPONDENT

RULING

1. The protest coming for consideration in this ruling is dated 16/9/2020 filed by **KIMETO KIBET PETER** who is a grandson to **SAMWEL KIPKEMOI NGENO**.

2. The protestor has deposed in the said Affidavit of protest that the grant of letters of administration issued to **CHRISTINE CHEMUTAI NGENO** and **ZACHARIA KIPKORIR NGENO** on 22/7/2020 should not be confirmed for reasons that the two Administrators failed to inform the court that the issuance of the confirmation of grant was made fraudulently by means of alterations of facts essential on the part of law to justify the grant.

3. The protestor deposed that **JOHN KIRUI A. NGENO** illegally and without consent transferred land parcel **No. L.R NO KERICHO/KIPKELION/BARSIELE Block 1(KAULA) 209** and **277** to himself.

4. Further that **ROROGU CHERUIYOT** illegally and without consent allocated himself land parcel **L.R NO.KERICHO/KIPKELION/BARSIELE BLOCK 1 (KAULA)220** to himself.

5. The protestor also deposed that the administrators failed to inform the court that **ZAKARY KIPKORIR NGENO** illegally and without consent allocated himself the parcel of land **LR NO.KERICHO/KAPKATET/1743** to himself and sold it.

6. The protestor further deposed that the said parcels of land belonged to his grandfather (**PAUL KIPNGENO CHUMO (the deceased herein)**) who had two wives and 13 children.

7. The parties were directed to file written submissions in the protest dated 16/9/2020 by **KIMETO KIBET PETER**, a grandson of the deceased herein **PAUL KIPNGENO CHUMO (deceased)**. I find that the protestor has not provided evidence that the said properties are registered in the name of the deceased.

8. In the circumstances, this court cannot direct that the said properties be included in the Estate of the deceased herein. If indeed any beneficiary had benefited from the Estate of the deceased during his life time, the said issue should be considered during confirmation of grant.

9. The court in its ruling dated 18/6/2019 said that the said issue should be raised during confirmation stage. I find that there is no evidence to support the allegations that the properties were transferred fraudulently.

10. I accordingly dismiss the objection dated 16/9/2020. The protest dated 17/9/2020 to be dealt with by way of viva voce evidence.

11. The parties to file their respective witnesses' statements within 30 days of this date and to take date for mention in the Registry for purposes of fixing a hearing date.

Delivered, signed and dated at Kericho this 1st day of October 2021

A. N. ONGERI

JUDGE