



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

SUCCESSION CAUSE NO. 163 OF 2013

IN THE MATTER OF THE ESTATE OF ELIZABETH CHEPOSAIT TUWOI – DECEASED

CHEPOKAKINY KAPELO.....1ST APPLICANT

MARY CHEPKITE LORENGA.....2ND APPLICANT

VERSUS

JAMES PTERIL.....1ST RESPONDENT

GABRIEL SINJA.....2ND RESPONDENT

R U L I N G

1. The court has perused the application dated 22nd June 2018 which is unopposed. The bone of contention is the sharing out of parcel number **Kaisagat/Makhonge Block 1/Mwisho/98** which is already registered in the names of the Administrators herein.
2. From the supporting affidavit to the application it is not clear whether the rest of the parcels number **West Pokot/Keringet A 2380 and West Pokot /Keringet A/1234** were transmitted to the beneficiaries as per the confirmed grant dated 19th February 2015. All the deceased properties listed were to be transferred to the administrators with a view, I suppose that they shall later be shared among themselves as they deem fit.
3. The application at hand has introduced a new entrant, namely the widow of one Wilson Cherpka, Rophina Palakwang Cherpka who had purchased part of parcel No. 98 aforesaid. The supporting annexures suggest that there are no objection and infact the 21 years they have lived on the 5 acres portion was well known to the family or the estate of the deceased herein.
4. Consequently, I do find it appropriate that the 5 acres portion out of land parcel number **Kaisagat/Makhonge Block 1(Mwisho)/98** be transferred to Rophina Palakwang Cherpka. The transfer instruments be executed by the remaining administrators as the court is informed that Lerenga Moit Kibaru has since died.
5. Should the administrators fail to effect the transfer, the Deputy registrar of this court do execute.
6. In the meantime, the administrators herein as well as their respective beneficiaries do proceed to distribute the estate appropriately presumably to each individual. For now I do not find it necessary to get fresh administrators as there is no demonstration that the existing administrators have been unable to administer the estate.
7. Costs of this application in the cause.

Delivered, signed and dated at Kitale this 10th day of December, 2018.

H.K. CHEMITEI

JUDGE

10/12/18

In the presence of:

Teti for Applicants

Both Respondents – present

Court Assistant – Kirong

Ruling read in open court.