



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT BOMET**

**SUCCESSION CAUSE NO. 41 OF 2016**

**JEREMIAH KIPKOECH KIRUI.....PETITIONER**

**-VERSUS-**

**PHILEMON RONO.....OBJECTOR**

**PHILLIPH KIPLANGAT KOECH.....OBJECTOR**

**RULING**

On the 22<sup>nd</sup> day of February 2017 this court rendered a ruling in respect of a chamber summons application dated 17<sup>th</sup> March 2016 and directed that the Directorate of Criminal Investigation's Bomet do carry out investigations in terms of prayer 8 of the application which was to the effect that pending the interparties hearing and determination the Director carry out investigations into the circumstances under which the Deceased Estate land was transferred from the Deceased's estate to the Administrator Jeremiah Kipkoech Kirui and consequently to the interested parties.

On the 27<sup>th</sup> March 2017 Senior Superintendent of Police Mr. Chacha Okwach the DCIO Bomet did present his report dated 25<sup>th</sup> February, 2017.

His findings were that:-

1. Succession cause No. 9 of 2014 was filed in Kericho in relation to the Estate of Patrick Kalya Tonui and a certificate of confirmation was issued to Christopher Kalya Tonui and Angelina Cheroni Soi.
2. That Succession Cause No. 41 of 2016 was filed in Bomet but was initially filed in Kericho as Succession Cause No 95 of 2008.
3. That Succession Cause No.9 of 2014 was different from Succession Cause No. 41 of 2016 which is still pending hearing and determination.

This report goes a long way to buttress the contention by the objector/applicants in this chamber summons application.

It goes to confirm that there was an illegality and fraud in the part of the petitioner and the Land Registrar Bomet.

The court is satisfied the orders sought are merited and I grant same in terms of prayers 3, 4, 5, 6 of the application. Costs to the applicants.

**Ruling delivered dated and signed this 11<sup>th</sup> day of May 2017 in open court and in the presence of learned counsel for the objectors Mrs. Kirui holding brief Koske.**

Learned counsel for petitioner Koech absent

1<sup>st</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> Respondents are acting – No appearance.

Court Assistant –Rotich.

**M. MUYA**

**JUDGE**

**12/5/2017**