



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
SUCCESSION CAUSE NO.149 OF 2001
IN THE MATTER OF THE ESTATE OF KIPLANGAT KETER (DECEASED)

WILLIAM KIPRONO TOO.....APPLICANT/OBJECTOR

VERSUS

JOSHUA KIPROP LANGAT

DICKSON CHERUIYOT LANGAT.....PETITIONER/RESPONDENT

RULING

1. On 24th July, 2002 this court issued **Joshua Kiprop Langat** and **Dickson Cheruiyot Langat** with a grant of letters of administration in respect of the estate of one **Kiplangat Keter** who died on 24th April, 1974.
2. On 1st April, 2009 the Applicant filed summons for revocation of grant dated 1st April, 2009. The application is based on the following grounds;
 - (i) *Proceedings to obtain the grant were defective in substance.*
 - (ii) *The grant was obtained fraudulently and by the concealment from the court of something material to the case.*
 - (iii) *The persons to whom the grant was made have failed without reasonable cause to:-*
 - (a) *Apply for confirmation within one year from 24.07.2002.*
 - (b) *Proceed diligently with the administration of the estate.*
 - (c) *Produce to court within the time prescribed any inventory or account of the administration.*
 - (iv) *That the grant has become useless and inoperative through subsequent circumstances.*

3. It is further supported by the affidavit of the applicant. In it he deposes that the grant was obtained fraudulently by the concealing of material facts from the honourable court and in particular that the applicant was a beneficiary of the estate of the deceased.
4. Secondly, he deposes that the grant issued on 24th July, 2002 has not been confirmed by this court yet the administrators have distributed to themselves the land, yet he still occupies a portion of the land formerly known as **Kericho/Kapsuser/1772**.
5. There is no response to the summons for revocation of grant filed herein. I have very meticulously perused this file and do not find any evidence of service of the summons for revocation on the Respondents.

What is clearly on record are the hearing notices issued herein and served.

6. If the Respondents were indeed not served with the summons for revocation this court would not issue the orders sought based on the applicant's application only.
7. What is clear from the record is that the grant issued by this court on 24th July, 2002 has never been confirmed.
8. There is also clear indication that, there has been distribution of the estate without a Certificate of Confirmation. Copies of the land register attached confirm this.
9. Being satisfied that for over twelve (12) years since the issuance of the letters of grant herein to **Joshua Kiprop Langat** and **Dickson Cheruiyot Langat** the two administrators have failed to apply for confirmation of the said grant and have proceeded to distribute the estate unprocedurally, I hereby invoke the Provisions of **Section 76 (d) (I) &(ii)** of the **Law of Succession Act** and *suo moto* revoke the said grant.
10. Any subdivision of the original land L.R.Kericho/Kapsuser/1772 is hereby declared null and void. All the new titles that have emanated therefrom are hereby cancelled.
11. The land shall revert to its original title until this Succession Cause is heard and determined by this court in accordance with the law.
12. The two Petitioners herein shall appear before this honourable court on 22nd July, 2015 to explain their actions before further orders are issued. Summons to be issued by the Deputy Registrar and to be served upon them through their local Chief, for their appearance.
13. The Land Registrar, Kericho County to be served with these orders for necessary implementation. He/she must avail documents in Court on or before 22nd July, 2015 to confirm compliance.

The two Petitioners will also be served with the orders.

Orders accordingly.

Dated, signed and delivered in open court this 3rd day of July, 2015.

H.I.ONG'UDI

JUDGE

In the presence of:

Mr. Siele for Objector/Applicant

N/A for Petitioners

Robert- court assistant