



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO**

Succession Cause 3 of 2002

1. Family Law
2. Whether the Law of Succession Cause is in order.
 - a) Deceased male adult Paul Kiprotich Ngetich
Male adult aged 44 years old on 29th November, 2001.
 - b) Cause of death cardiopulmonary arrest due to respiratory failure due to metastatic lung P'se.
 - c) Kenya Gazette 19th December 2001
(R. Ngetich/Magistrate)
 - d) Form P&A 30, 25th October 2002
 - e) Temporary letters of grant P&A 41
(3rd April 2002) Visram J).
 - f) Two petitioners.
 - g) Advocate on record on 9th July 2009.
 - h) Assets; benefits.
3. **Held;**
 - i) The papers filed now in order.
 - ii) Benefits amounts to be disclosed.

**IN THE MATTER OF THE ESTATE OF
PAUL KIPROTICH NGETICH – DECEASED
AND**

**BETTY CHEROTICH - 1ST PETITIONER
FRANCIS NGETICH - 2ND PETITIONER**

RULING

I. Background

1. This cause was mentioned before me to confirm that the forms filed are in order. This task belongs to the Deputy Registrar. This court has recently been given a Deputy Registrar to deal with Probate matters.
2. The cause herein is that of the estate of the late Paul Kiprotich Ngetich aged 44 years old on 29th November 2001. He passed away due to cardiopulmonary arrest, due to respiratory failure, due to metastatic lung P'se.
3. His widow now aged 42 years old together with his brother applied for letters of grant in the year 2002. The deceased is survived by two daughters 21, 14 years old in 2009 and three sons 18, 16 and 12 years old in 2009.
4. Temporary letter of grant was issued on 3rd April 2002 **(P & A 41) Visram J.**
5. P&A Form 30, to confirm no other grant had been, issued on 25th October 2002 and the Kenya Gazette Notice issued on 19th December 2001 prematurely before the receipt of Form P& A 30 (*by R. Ngetich - magistrate*).
6. An advocate has come on record as of 9th July 2009.

II. Position of file.

7. The position of this file is that the assets described as '*Benefits*' from the deceased employer should be

disclosed.

8. That the advocate now on record should formally apply for the confirmation of grant of letters intestate

after comply with the above.

Dated this 22nd day of October 2009 at Kericho.

M. A. ANG'AWA

JUDGE

Read on 5th day of November 2009.

M. A. ANG'AWA

JUDGE

Advocates

- S. K. Chelule Advocate instructed by M/S Chelule & Co. Advocates for the
Petitioners/Applicants – present.

- Petitioners/applicants; absent.

iii) Kericho/Kabartegan/745 and 1106 1.3 Ha.

iv) Motor vehicle KAG 516Y

4. Formal application for confirmation of grant be filed after
above has been done. Form 108 and P&A 9.

5. **Case Law** - Nil

6. **Advocate;**

S. K. Chelule Advocate instructed by

M/S Chelule & Co. Advocates for the Petitioners/Applicants – present.

Petitioners/applicant - absent