

REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE NO. 153 OF 2013
IN THE METTER OF ESTATE OF PATENCY JEMITEI KANDIE
DECEASED
AND
KIPNGETICH KIPSANG
PETITIONER

Coram: Justice R. Nyakundi
J. K. Kiplagat & Company Advocates

ORDERS

1. Before the Court is a Summons for Revocation of Grant Under Section 76(e) Rule 44 of Probate and Administration Rules Section 81 of the laws of Succession Act seeking the following orders:
 - (a) That the application be certified as urgent.
 - (b) That this honourable court be pleased to revoke the grant issued to Wilson Kipsang Cheboiwo on 6th December 2023 on the grounds that it has become useless and inoperative through subsequent circumstances.
 - (c) That this Honourable court be pleased to appoint Kipngetich Kipsang so applying as the administrator of the estate of the late Patency Jemitei Kandie (deceased).
2. Which application is grounded on the affidavit of Kipngetich Kipsang and inter-alia on the following grounds:
 - (a) That the said Wilson Kipsang Cheboiwo who was issued with the letters of administration of the estate of Patency Jemitei Kandie (Deceased) who died on the 17th July 2010 at Kipsomba also died on 1st August 2022.

- (b) That at the time of the demise, the said Wilson Kipsang Cheboiwo had not distributed the estate of Patency Jemitei Kandie Deceased hence the need to substitute him with another administrator entitled in equality.
3. That the application is supported by an affidavit sworn by Kipngetich Kipsang where he depones as follows:
- (a) That I am the biological son of the late Patency Jemitei Kandie (Deceased) who died on the 17th July 2010 at Kipsomba.
- (b) That my father Wilson Kipsang Cheboiwo filed a petition vide Eldoret High Court Succession Cause No. 153 of 2013 and was issued letters of administration intestate on the 6th December 2013.
- (c) That my father Wilson Kipsang Cheboiwo unfortunately passed away on 1st August 2022 before the distribution of the estate.
- (d) That I have been permitted by my siblings to apply to be appointed as the administrator for the estate of our late mother Patency Jemitei Kandie.
- (e) That I will accordingly administer the said estate in accordance with the law.
- (f) That owing to the demise of the erstwhile administrator, it is now imperative that we have someone else to substitute.

Directions

4. Let the application be served to all beneficiaries for inter parties hearing on **21st October 2025**.

**GIVEN UNDER MY HAND AND SEAL OF THIS HONOURABLE COURT
THIS 2ND DAY OF OCTOBER 2025.**

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R. NYAKUNDI

JUDGE