

REPUBLIC OF KENYA

IN THE HIGH COURT AT ELDORET

SUCCESSION CAUSE NO. E108 OF 2025

IN THE MATTER OF ESTATE OF KIPLETING SUM TANUI - DECEASED

DAVID KIPKOSGEI TANUI

OBJECTOR/APPLICANT

=VERSUS=

TECLA JEROTICH SUM PETITIONER/RESPONDENT

Coram: Hon. Justice R. Nyakundi

Martim & Company Advocates

RULING

1. Before the Court are summons for revocation of grant dated 9th September 2025 seeking the following orders:
 - (a) Spent
 - (b) That grant of letters of administration intestate made to Tecla Jerotich Sum on the 13th June 2025 be revoked and/or annulled.
 - (c) That summons dated 11th August 2025 be struck out for non-compliance with the law.
 - (d) That the costs of this application be provided for.
2. Which application is based on the grounds:
 - (a) That confirmation of grant of the estate of the above-named deceased person is scheduled for the 16th September 2025.
 - (b) That the deceased was married two wives and several issues and one of the two widows is still alive.
 - (c) That grant was obtained by means of untrue allegations of fact essential in part of law to justify the grant.
 - (d) That the proceedings to obtain grant were defective in substance as the Petitioner as all the beneficiaries of the estate of the deceased with equal or lesser priority in the filing thereof did not execute Form 38 (Consent for making a grant) neither was it filed by the Respondent herein as required by law.

- (e) That grant was obtained fraudulently by the making of false statements particularly that all beneficiaries had consented to the Petitioner initiating the process.
 - (f) That the applicant herein got to know of the succession cause herein when he was served with summons for confirmation of grant coming up for confirmation on the 16th September, 2025.
 - (g) That the applicants and the other beneficiaries were surprised and shocked about the whole issue since their consent and participation was never obtained by the Respondent before the process was undertaken.
 - (h) That grant was obtained fraudulently by concealment to the Court of the fact that the family members had agreed on how the Estate of the deceased was to be administered.
 - (i) That the Respondent's failure to disclose material facts is only curable upon this Honorable Court granting the orders sought.
3. In response to the application the family seems to have mediated the issue and agreed that the following beneficiaries be appointed as administrators to the estate: Ann Tele Tanui, Simon Leting, David Kipkosgei Tanui and Tecla Jerotich Sum. This therefore compromises the summons for revocation of grant dated 9th of September 2025.
4. The letter of the Chief dated 4th June 2025 provides as follows:

RE: Succession request to the Estate(s) of the Late Kipleting Sum Tanui (Entry No. 89901353)

This is to confirm the above-named deceased person who until his demise was a resident of Koisagat in my area of jurisdiction. The late was married and left behind with two widows namely:

- (a) Anna Tege Tanui ID No. 3289822 1st wife
- (b) Sara Jelimo Tanui (Deceased – 2021) 2nd wife

He was blessed with children as follows:

(Beneficiaries)

1. Margaret Chebichii Tanui (Deceased)

2. Loise Keny Cheptoo
3. Emily chepkemboi Tanui
4. Joseph Kipchirchir Letting (Deceased)
5. Simion Kiptarbei Letting
6. Grace Chemeli Tanui
7. Grace Chemeli Tanui
8. Elizabeth Chepngetich Tanui (Deceased)
9. Milka Jerop sum
10. Tecla Jerotich sum
11. Henry Kibet Tanui
12. Rael Chekwony (Deceased)
13. Dorcas Chepkoech Maasai
14. Esther Jerotich Tanui (Deceased)
15. Mary Tanoi
16. Emily Jesang Tanui
17. David Tanui
18. James Letting
19. Christine Chemeli Tanui
20. Lilian Chepkemei Tanui
21. Zippora Jepkorir Sum
22. Sammy Cheruiyot Tanui
23. Caroline Chemutai Tanui

The late was blessed with several possessions (Estates)

1. Land - Nandi/Lessos/333
2. Tuliet/Koisagat Block 1 (Sochoi)/21
3. Tulwet/Tulwet Block 3 (Rironi)/74
4. Tulwet/Tulwet Block (Rironi)/75
5. Other Plot Center (Be stated by family)

The family presumably agreed after talk to have Anna Tele Tanui and David Kipkosgei Tanui as Administrators. Kindly accord your assistance the family to a successful Succession cause. Thank you.

5. In the circumstances of this case pursuant to the provisions of Section 66 of the Law of Succession Act and Rule 73 (1) of the Probate and Administration Rules as read in conjunction with Sections 1(A), 1(B), 3 and 3(A) of the Civil Procedure Act an order be and is hereby made to appoint the following administrators in the Matter of the Estate of Kipleting Sum Tanui:
- (a) Ann Tele Tanui
 - (b) Simon Leting
 - (c) David Kiposgei Tanui And
 - (d) Tecla Jerotich Sum
6. By dint of this order the grant of letters of administration intestate to Tecla Jerotich Sum dated 13th June 2025 be and is hereby revoked in consonant of Section 76 of the Law of Succession Act. As a consequence, the Administrators shall sign the necessary forms namely: P& A 80, P&A 5, P&A 57, P&A 12, P&A 11 to facilitate issuance of a fresh grant of letters of administration. The costs of this application shall be in the cause. The status conference for compliance be held on 16th January 2025. It is so ordered.

**DATED, SIGNED AND DELIVERED VIA CTS AT ELDORET THIS 18TH
DAY OF DECEMBER 2025**

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R. NYAKUNDI
JUDGE