

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KERICHO**  
**SUCCESSION CAUSE NO. E032 OF 2022**

**IN THE MATTER OF THE ESTATE OF THE LATE JENIFFER**  
**KABON LIMO (DECEASED)**

**EMILY** **CHELANGAT.....**

**.....PROTESTOR**

**- V E R S U S -**

**JAMES KOECH AND .....1<sup>ST</sup>**

**PETITIONER**

**KOECH LIMO FRANKLINE.....2<sup>ND</sup>**

**PETITIONER**

**RULING**

1. The subject matter of this ruling is the Notice of Preliminary Objection dated 3<sup>rd</sup> October, 2025 taken out by the Petitioners.
2. The main issue raised as a Preliminary is that the Protestor is not a dependent within the meaning of Section 29 of the Law of Succession Act therefore lack the locus to participate in the proceedings. Parties were invited to file written submissions on the Notice of Preliminary Objection.
3. The Protestor pointed out that the Preliminary is mischievous and should be dismissed. It is argued that Section 29 of the

Law of Succession Act envisages someone who was being maintained by the deceased immediately prior to her death. The Protestor further argued that their status and that of her children have not been controverted by the Petitioners and it is clear that she was and still depends on the Estate for maintenance.

4. Having considered the Preliminary and the submissions filed in opposition, this Court has come to the conclusion that the Preliminary Objection cannot succeed as it stands.

5. It would appear that evidence has to be led to establish the Preliminary Objection. The Preliminary Objection therefore lacks the evidential foundation. The same is hereby ordered dismissed.

**Dated, signed and delivered at Kericho this 3<sup>rd</sup> day  
of December, 2025.**

.....  
**J. K. SERGON  
JUDGE**

In the Presence of:-

C/Assistant – Rutoh

Miss Cherono for the Protestor

Kipngetich holding brief for Koech for Petitioners