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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

SUCCESSION CAUSE NO. E040 OF 2025

IN THE MATTER OF THE ESTATE OF THE LATE DANIEL KIPSANG

KIMETO (DECEASED)

ANDREW KIPNG'ENO SANG.....PETITIONER/RESPONDENT

- V E R S U S -

GRACE CHEPKIRUI BIRIR.....APPLICANT

**RULING**

1. The subject matter of this ruling is the summons for revocation of Grant of Letters of Administration dated 4<sup>th</sup> September, 2025. Grace Chepkirui Birir, the Applicant swore an Affidavit she filed in support of the summons.
2. Andrew Kipng'eno Sang, the Respondent filed a Replying Affidavit to oppose the summons.
3. This Court directed the parties to file written submissions. At the time of writing this ruling, the Applicant was the only party who had filed her submissions.
4. I have considered the grounds stated on the summons plus the facts deponed in the rival Affidavits. I have further considered the written submissions.
5. It is the submissions of the Applicant that she was not involved nor informed of the Petition for the Grant of Letters

of Administration Intestate. It is her averment that the family met and agreed to have two representatives. One from each house, chosen as Administrators at the time of petitioning for the full Grant of Letters of Administration but the respondent petitioned alone and sidelined her without informing her of any initiative to petition for a full Grant.

6. The Applicant also accused the Respondent and not making a full inventory of the properties of the deceased. The Respondent was also accused of excluding four beneficiaries from the Estate.
7. In sum, the Respondent was said to be guilty of material non-disclosure.
8. The Respondent averred that the Appellant made false averments by stating that she was not informed of the filing of the Petition for Letters of Administration Intestate. The Respondent pointed out that two months prior to the filing of the Petition for Letters of Administration, the applicant was sent a letter by the Firm of G. K. L. Advocates LLP inviting her and her children to execute the Petition for Letters of Administration Intestate.

9. The Respondent is said to ignore several phone calls in an attempt to frustrate the succession process. It is alluded that the Applicant failed to co-operate, in a well-orchestrated move to frustrate the filing of the succession cause. The Respondent further pointed out that the children claimed to have been left out were not the biological children of the deceased. It is also stated that there was no prove that those individuals were being maintained by the deceased prior to his death.

10. Having considered the material placed before this Court, I have come to the conclusion that the Applicant was actually in the process of initiating the filing of the Succession Proceedings in respect of the Estate of Daniel Kipsang Kimetto, deceased.

11. The other grounds which were raised in support of the summons for revocation of Grant were not well founded hence could not lead to the revocation of the Grant.

12. In the end, the Summons for Revocation of Grant dated 4<sup>th</sup> September, 2025 is found to be without merit. It is dismissed with each party bearing their own costs.

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

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

In the Presence of:-

C/Assistant - Rutoh

Miss Makundi holding brief for Kipkoech for Petitioner