



In re Estate of the Late Koech (Deceased) (Succession Cause E007 of 2022) [2026] KEHC 2362 (KLR) (19 February 2026) (Ruling)

Neutral citation: [2026] KEHC 2362 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE E007 OF 2022
JK SERGON, J
FEBRUARY 19, 2026**

IN THE MATTER OF THE ESTATE OF THE LATE WESLEY KIPSANG KOECH (DECEASED

BETWEEN

BEATRICE CHEBET APPLICANT

AND

RAEL CHEBORE KOECH 1ST PETITIONER

PATRICK KIPROTICH SANG 2ND PETITIONER

DENNIS KIPKIRUI SANG 3RD PETITIONER

CHERONO WINNY 4TH PETITIONER

RULING

1. The Summons for Revocation of Grant dated 5th February, 2025 was fixed for interpartes hearing on 5th February, 2025. The aforesaid Summons was on the said date dismissed for want of attendance and for want of Prosecution.
2. The Applicant namely Beatrice Chebet is now before this Court vide the Motion dated 18th July, 2025 seeking to have the dismissed order set aside and for the dismissed Summons to be reinstated and fixed for hearing. The Applicant filed an Affidavit he swore in support of the motion. The motion was served upon the Respondents' Advocate but the same never elicited any response.
3. I have considered the grounds set out on the face of the motion and the facts deponed in the Supporting Affidavit. It is the averment of the Applicant that her Advocates failed to attend court on 16th July, 2025 because the Learned Advocate had misdiarized the hearing date to b 17th July, 2025 instead of 16th July, 2025, therefore the failure to attend Court was not intentional.



4. I have also examined the record and it is apparent that indeed the summons was dismissed on 16th July, 2025 and that the instant application was timeously filed on 18th July, 2025. The Respondents have not controverted the assertion that the Applicant's Advocate had inadvertently misdiarized the hearing date. I am convinced that the explanation given is plausible and reasonable. I am satisfied that it is only fair and just to set aside the order dismissing the Summons.
5. Consequently, the instant Motion is allowed. The order dismissing the summons for revocation of grant dated 5th February, 2025 issued on 16th July, 2025 is set aside. The aforesaid summons is reinstated and should be fixed for interpartes hearing on 22nd April, 2026. This being a family dispute, a fair order on costs is that each party should meet their own costs.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 19TH DAY
OF FEBRUARY, 2026.**

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J. K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Miss Chepkorir for Objector/Beneficiary

