



**REPUBLIC OF KENYA**

**High Court at Kericho**

**Succession Cause 192 of 2004**

**IN THE MATTER OF THE ESTATE OF THE LATE ANN CHEPKIRUI BOIT**

**(DECEASED)**

**ZAKAYO KIPNGETICH BOIT.....PETITIONER**

**VERSUS**

**SAMWEL CHERUIYOT KORIR.....OBJECTOR**

**AND**

**NAOMI ROTICH.....APPLICANT**

**RULING**

The application dated 9<sup>th</sup> July 2012, is an ex parte one brought pursuant to **Rule 49** of the **Probate and Administration Rules** for an order that Kshs. 539,000 deposited in court be withdrawn by the Applicant Naomi Rotich the Co-Administratrix herein to be invested in an interest earning account for the benefit of Edwin Kiptoo Cheruiyot and Faith Chepkemoi, whereby the applicant would be at liberty to withdraw such monies if there was need for the same to be expended for the education of the said Edwin Kiptoo Cheruiyot and Faith Chepkemoi as may be approved by the court.

The application is supported by grounds in its body and an affidavit sworn by the applicant.

I have perused the Certificate of Confirmation of the grant herein and specifically the schedule thereto. Kshs. 539,000 was deposited in court. That sum of money was to be deposited in an interest earning account for the benefit of Edwin Kiptoo Cheruiyot and Fatih Chepkemoi for Education

purposes. Authority was given to Naomi Rotich to withdraw the sum and establish that such a deposit had indeed been made.

In the circumstances I find the application being meritorious, I therefore order that a sum of Kshs. 539,000 deposited in court shall be withdrawn by Naomi Rotich for purposes of being deposited in an interest earning account for the benefit of Edwin Kiptoo Cheruiyot and Faith Chepkemoi.

Proof of such a withdrawal and deposit thereof in the account shall be furnished to the Deputy Registrar.

Any withdrawal of monies from the account shall be by leave of this court.

It is so ordered.

**DATED** at **KERICHO** this 30<sup>TH</sup> day of November 2012.

.....

**LILIAN N. MUTENDE**

**JUDGE**

**COUNSEL APPEARING**

Mr. Ochieng, for the Petitioners

Mr. R. Koech- court clerk



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