



Case Number:	Succession Cause 192 of 2004
Date Delivered:	30 Nov 2012
Case Class:	Civil
Court:	High Court at Kericho
Case Action:	-
Judge:	
Citation:	ZAKAYO KIPNGETICH BOIT V SAMWEL CHERUIYOT KORIR[2012]eKLR
Advocates:	-
Case Summary:	-
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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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to **Rule 49** of the **Probate and Administration Rules** for an order that Kshs. 539,000 deposited in court be withdrawn by the Applicant Naomi Rotich the Co-Administratrix herein to be invested in an interest earning account for the benefit of Edwin Kiptoo Cheruiyot and Faith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I find the application being meritorious, I therefore order that a sum of Kshs. 539,000 deposited in court shall be withdrawn by Naomi Rotich for purposes of being deposited in an interest earning account for the benefit of Edwin Kiptoo Cheruiyot and Faith Chepkemoi.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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