



**In re Estate of Kiptoo Kitany (Deceased) (Succession Cause
16 of 2015) [2024] KEHC 11439 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11439 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
SUCCESSION CAUSE 16 OF 2015
AC MRIMA, J
SEPTEMBER 30, 2024
IN THE MATTER OF THE ESTATE OF KIPTOO KITANY (DECEASED)**

BETWEEN

CHEPOCHEPOS WARIKA APPLICANT

AND

JUDITH NASIMIYU KIPTOO & 2 OTHERS RESPONDENT

RULING

1. When this matter came up for further directions on 14th March 2024 on the hearing of the Summons for Confirmation dated 18th November 2018, Learned Counsel for the Objector contended that there was no land upon which the distribution was to be undertaken and that dealing with the instant application will be an exercise in futility.
2. The Learned Counsel for the rest of the parties was of the contrary position by dint of the several rulings since made in this matter and more so the ruling rendered on 13th July, 2022.
3. This Court undertook to carefully familiarize itself with the record and give directions on way forward, hence, this ruling.
4. Indeed, this Court has taken time and combed through the record. The ruling dated 13th July 2022 in fact settled the issue raised by the Objector herein. In paragraphs 42 and 43, the Court stated as follows:

42. I also wish to add that in my view the process of invalidating any title already issued, and which may have been issued during the subsistence of the 3rd Objector's revoked grant, should be undertaken during the hearing of the application for confirmation of the grant



43. My view [is] that invalidation of the title deeds already issued should be addressed through the proceedings for the confirmation of the Letters of Administration
5. Therefore, unless the above orders and directions were either set-aside or stayed, the objection raised cannot stand. The objection is hereby overruled and dismissed.
6. Consequently, further to the directions rendered in the ruling dated 13th July 2022 and those made on 13th February 2024, the Summons for Confirmation shall also be served upon all the parties having titles to the suit land and/or having any identifiable interest on the land.
7. Further directions shall issue before the Presiding Judge on a date to be fixed by the Hon. Deputy Registrar.
8. As I come to the end of this ruling, I wish to render my unreserved apologies to the parties in this matter for the delay in rendering this decision. The delay was occasioned by the fact that since my transfer from Nairobi, I have been handling matters from the Constitutional & Human Rights Division, Kitale and Kapenguria High Courts. Further, I was appointed as a Member of the Presidential Tribunal investigating the conduct of a Judge in March 2024 thereby mostly being away from the station. Apologies galore.
9. Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 30TH DAY OF SEPTEMBER, 2024.

A. C. MRIMA

JUDGE

