



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Kiplaigong Arap Korio (Deceased) (Succession Cause 355 of 2015) [2023] KEHC 26845 (KLR) (19 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 26845 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
SUCCESSION CAUSE 355 OF 2015  
JK SERGON, J  
DECEMBER 19, 2023**

**N THE MATTER OF THE ESTATE OF THE LATE KIPLAIGONG ARAP KORIO (DECEASED)**

**IN THE MATTER OF**

**ANNAH CHEROTICH KOROS ..... 1<sup>ST</sup> PETITIONER**

**LUDIA KOROS ..... 2<sup>ND</sup> PETITIONER**

**AND**

**TAPKILI CHEROTICH KORIO ..... APPLICANT**

**RULING**

1. On 23<sup>rd</sup> March, 2017 a Grant of Letters of Administration Intestate in respect of the Estate of Kiplaigong Arap Korio was issued to Annah Cherotich Koros and Ludia Koros. Pursuant to the Consent dated 22<sup>nd</sup> day of March, 2021 and filed in Court on 27<sup>th</sup> April, 2021, the grant was confirmed and a Certificate of Confirmation of Grant was issued on 21<sup>st</sup> December, 2021 whereof the deceased's Estate was proposed to be distributed as follows:-  
Name description of property share of heirs
  - I. Ludia Koros L.r. No.kericho/tebesonik/32 10 Acres
  - Ii. Alice Koros L.r. No.kericho/tebesonik/32 10 Acres
  - Iiii. Annah Cherotich Koros L.r. No.kericho/tebesonik/32 9.5 Acres
2. On 30<sup>th</sup> June, 2022, one Tapkili Cherotich Korio, the Applicant herein filed an Application in which she sought for the Consent dated 22<sup>nd</sup> day of March, 2021 to be set aside.
3. The record shows that the application has not been heard and determined. The parties have on many occasions asked the Court to give them time to negotiate for a settlement out of Court. It would appear the families and clan elders held a series of meetings with the intention of reaching at an amicable



settlement. The elders decision has been filed in Court which award was signed by all the parties involved save for Annah Koros who refused to append her signature.

4. This Court was urged to make an order to adopt the clan elders award. Parties were invited to make submissions on the elders award but none did. What is clear to this court is that the substantive matter is the Application seeking to set aside the consent order. It is apparent that the Consent order was acted upon giving rise to the issuance of a Certificate of confirmation of Grant.
5. There is need to first deal with the application seeking to set aside the Consent Order and the consequent Certificate of Confirmation of Grant.
6. Parties cannot engage themselves in negotiations on the distribution of the estate yet the record shows that the issue was already settled by the Consent Order which was acted upon..
7. I hereby direct the parties to focus their attention and address the Court on the pending application dated 30<sup>th</sup> June, 2022 and the resultant Certificate of Confirmation of Grant.

**DELIVERED, SIGNED AND DATED AT KERICHO THIS 19TH DAY OF DECEMBER 2023.**

**J.K. SERGON**

**JUDGE**

In the Presence of:-

Malel & Migiro for 2<sup>nd</sup> Petitioner

Kirui holding brief for Mutai for 1<sup>st</sup> Petitioner

Kibet Kirui holding brief for Bii for the Applicant.

