



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
SUCCESSION CAUSE NO.19 OF 2005

IN THE MATTER OF THE ESTATE OF
JOHN KIBET TONUUI

..... DECEASED
AND
AGNES CHEBET TONUUIPETITIONER

VERSUS

RICHARD KORCHOREN OBJECTOR

RULING

The deceased, **John Kibet Tonui**, died on 7th November, 2004 at Kericho. He left a piece of land known as **Kericho/Kipchimchim/2639** measuring 4.2 hectares. He was a polygamist with two wives. The first widow, **Rosa Tonui** who has passed on had two children, Rael Chepkorir and Paul Kiplangat Bett while the second widow, **Agnes Chebet Tonui** who is still living has three sons and three daughters. These are Messrs Charles Kiprono Bett, Pius Kipkoech Bett, Jackson Kimutai Bett and Betty Chepngetich, Felistus Chepkirui and Florence Chepkoech.

Both houses have through their respective advocates told the court that the beneficiaries have agreed to have the estate of the deceased distributed equally between the two houses inspite of the disproportionate number of children in each house. However, one of the two children in the 1st house namely, Paul Kiplangat Bett, does not want the shares for the 1st house to be stated as he wishes to determine what his sister, Rael Chepkorir, shall get. He does not state why he should be the one to give his sister her half share instead of the Court. It is obvious that he is up to no good.

As all the beneficiaries have agreed that the estate be divided equally into two and as all the beneficiaries, save for Paul Kiplangat Bett in the first house, have also agreed that each house shall distribute its half share equally among the children, I order that the Grant shall be confirmed on the terms that land title No. Kericho/Kipchimchim/2639 shall be divided into two equal portions of 2.1 hectares each and in the 1st house, Rael Chepkorir shall take 1.05 hectares and Paul Kiplangat Bett shall take 1.05 hectares. In the second house, the 2.1 hectares shall be distributed equally between Charles Kiprono Bett, Pius Kipkoech Bett and Jackson Kimutai Bett each taking 0.7 of a hectare. The widow in the second house, **Agnes Chebet Tonui** who is still living shall have life interest in each of the three pieces of land going to her sons. Her daughters have signed a consent to the effect that they do not wish to share in the distribution of the estate of their late father as they are settled with their husbands and families elsewhere. For this reason, none has been allocated any share. These will be the orders of the Court.

DATED at **KERICHO** this 16th day of February 2011

G.B.M. KARIUKI,sc
RESIDENT JUDGE

COUNSEL APPEARING

Mrs. Motanya Advocate for the Petitioner
Mr. C.K. Korir Advocate for the Protester
Court Clerk – Mr. Koech