



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of the Late Alfred Kiplamai Bor - Deceased (Succession Cause 17 of 2018) [2025] KEHC 4661 (KLR) (11 April 2025) (Ruling)

Neutral citation: [2025] KEHC 4661 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 17 OF 2018**

RN NYAKUNDI, J

APRIL 11, 2025

IN THE MATTER OF THE ESTATE OF THE LATE ALFRED KIPLAMAI BOR - (DECEASED)

THROUGH

BETWEEN

**NAUMY JEROB BOR 1ST PETITIONER
EMMANUEL KIPTOO LAMAI 2ND PETITIONER
BENJAMIN KIPTANUI LAMAI 3RD PETITIONER
FELIX LAMAI 4TH PETITIONER**

AND

**IRENE ZIPPY C KALAMAI 1ST BENEFICIARY
LYNETTE NGAULO RONO 2ND BENEFICIARY
AGNES ACHIENG AND MARY NASHIPAI (LEGAL ADMINISTRATOR IN
THE ESTATE OF PAUL KIPKOECH LAMAI - DCD) 3RD BENEFICIARY
ALLAN KIPRUTO AND BRENDA CHEPKOECC (LEGAL REPRESENTATIVE
IN THE ESTATE OF TERESA CHEPTANUI BOR - DCD) 4TH BENEFICIARY
BERNADETTE CHERUBET BOR 5TH BENEFICIARY
GILBERT LAMAI BOR 6TH BENEFICIARY
ANTONINA KOSSY BOY 7TH BENEFICIARY
RUTH CHEPCHIRCHIR (LEGAL REPRESENTATIVE IN THE ESTATE OF
CLEMENT KIPKEMEI LAMAI - DCD) 8TH BENEFICIARY**



RULING

1. Before me for determination is the Beneficiaries' application dated 3rd April, 2025 expressed to be brought under the provisions of Art. 27 and 60(a) and (f), of *the Constitution*, section 47 and 83(f) of the *Law of Succession Act* and Rule 49 and 73 of the Probate and Administration Rules. The applicants sought orders as follows:
 - a. That this Honourable court do order Geocon Surveys Limited (Engineering and Land Survey Experts) to visit, demarcate, and survey Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha per the judgment delivered on 20th September, 2024 Certificate of Confirmation of Grant and the proposed subdivision plan dated 02-04-2025.
 - b. This Honourable court to direct the County Commander – Uasin Gishu County and the officer commanding Kiambaa Police station to provide security and supervision during the survey exercise of Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha to prevent any interference, disruption, or violence by Geocon Surveys Limited (Engineering and Land Survey Experts).
 - c. That the Honourable court does direct the costs of the registration of certificate of grant surrender and amalgamation of titles, planning, subdivision survey and titling by Geocon Surveys Limited (Engineering and Land Survey Experts) of Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha exercise be borne equally by the beneficiaries in accordance with the proposed subdivision plan dated 2nd April, 2025.
 - d. Any beneficiaries found obstructing or interfering with the survey exercise of Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha be held in contempt of court and penalized accordingly.
 - e. This Honourable Court do issue any other orders it deems fit to ensure the effective execution of the Certificate of Confirmation of Grant and judgment dated 20th August, 2024.
2. The application is based on grounds that:
 - a. That the Honourable Court delivered its judgment on distribution of the estate assets on 20th September, 2024 and a certificate of confirmation of Grant subsequently issued with respect to the Estate of Alfred Kiplamai Bor. As per the scheduled distribution each of the 22 beneficiaries are to get an equal share each out of the Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha.
 - b. Despite this judgment and mode of distribution, the property is yet to be subdivided and the reason for this is what informs the instant application.
 - c. The gravamen of the applicant's claim is that the 2nd, 3rd, and 4th Administrators and her brothers are currently ploughing Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha in readiness of the planting season commencing in March, 2025 and the applicant is apprehensive that there is a plot to delay subdivision, buy time, create delays, and maintain illegal control over the estate to the detriment of the rightful beneficiaries.
 - d. That the applicant has appointed Geocon Surveys Limited (Engineering and Land Survey Experts) to visit, demarcate, and survey Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring



227.5 Ha as per the judgment delivered on 20th September, 2024, Certificate of confirmation of Grant.

- e. Geocon Surveys Limited (Engineering and Land Surveys Expert) have visited Ngeria/Kabongo Block 1 (Bor) Block 1-15 measuring 227.5 Ha and prepared a proposed sub-division plan dated 2nd April, 2025
 - f. That there is need to have an order directing the County Commander- Uasin Gishu County and the Officer commanding Kiambaa Police station to provide security and supervision during the survey exercise of Ngeria/Kabongo Block 1 (Bor) Block1-15 measuring 227.5 Ha to prevent any interference, disruption, or violence of the survey process by Geocon Surveys Limited (Engineering and Land Survey).
3. On the face of the historical litigation of this case, this court pronounced itself by issuing a Certificate of Confirmation of Grant dated 7th September, 2024. This court is of the considered view that the orders sought by the applicant above, are geared towards facilitation of the transmission of the estate within the letter of the Certificate of confirmation of grant. The same are hereby granted as prayed with a status conference on 14th July, 2025.

GIVEN UNDER MY HAND AND SEAL AT ELDORET THIS 11TH DAY OF APRIL, 2025

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R. NYAKUNDI

JUDGE

