



REPUBLIC OF KENYA



**In re Estate of David Kogoyo Bett (Deceased) (Succession Cause  
46 of 2003) [2025] KEHC 4130 (KLR) (2 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4130 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE 46 OF 2003  
RN NYAKUNDI, J  
APRIL 2, 2025**

**IN THE MATTER OF THE ESTATE OF DAVID KOGOYO BETT (DECEASED)**

**RULING**

1. The application before court though premised as summons for rectification of certificate of confirmation of grant, it is the finding of this court that from the evidence, the same be dealt with under the principles of amendment of the decree of the court. The substratum of this application touches on the Certificate of Confirmation of Grant issued to Joyce Bett and John Kitilit Bett on the 21<sup>st</sup> January 2005 to administer the estate of David Kogoyo Bett.
2. It is grounded in the affidavit of Joyce Bett dated 6<sup>th</sup> September, 2016 which states as follows:
  - a. That I am one of the administrators of the deceased estate pursuant to Certificate of Confirmation of Grant issued to us on 21<sup>st</sup> January, 2005.
  - b. That at the time of his death the deceased left behind assets in terms of the schedule to the confirmation of grant.
  - c. That however, the said schedule is incomplete as some assets being shares at KCB, NBK, ICDC, Standard Chartered Baringo/Mumberes/142, 144 and 265 were inadvertently left out.
  - d. That we pray that certificate of confirmation of grant be rectified to reflect all the shares as the same were discovered after confirmation.
3. That the other beneficiaries herein have no objection to this application.
4. This application has been filed pursuant to the provisions of section 74 of the *Law of Succession Act* and Rule 43 of the *Probate and Administration Rules*. However, these provisions deal with errors in names and description or setting forth the name and place of the deceased's death or purpose in a limited grant. My reading of the consent set to be adopted by this court raises far more fundamental amendments to the Certificate of confirmed Grant dated 21<sup>st</sup> January, 2005.



5. In this respect I am of the considered view that the applicable provisions fall within the scope of section 80 of the *Civil Procedure Act* and Order 45 Rule 1 of the *Civil Procedure Rules* and read with Rule 73(1) of the *Probate and Administration Rules*. This court therefore exercises discretion to adopt the consent as a judgment of the court on the grounds of new and important matter of evidence which was not within the knowledge of the administrators and could not be produced at the time of making the grant of Certificate of confirmation of Grant. The terms of the consent as herein under adopted and enforceable as decree of this court for all its purposes and intents as provided for under the scheme of the Law of Succession on distribution of the intestate estate:

1. Cherangani/Trans Nzoia Block 5 (Torongo)/1 whole to be registered in the names of Charles Bett.
2. Cherangani/Trans Nzoia Block 5 (Torongo)/2 whole to be registered in the names of Joyce Chemaiyo Bett.
3. Cherangani/Trans Nzoia Block 5 (Torongo)/3 whole to be registered in the names of Daniel Bett.
4. Cherangani/Trans Nzoia Block 5 (Torongo)/5 John Kitilit Bett to get 30 acres;
5. Cherangani/Trans Nzoia Block 5 (Torongo)/5 Joseph Bett - deceased to get 60 acres;
6. Cherangani/Trans Nzoia Block 5 (Torongo)/5 Dennis Kipkogei to get 10 acres;
7. Cherangani/Trans Nzoia Block 5 (Torongo)/6 whole to be registered in the names of Joyce Chemaiyo Bett.
8. Cherangani/Trans Nzoia Block 5 (Torongo)/7 whole to be registered in the names of James Bett.
9. Cherangani/Trans Nzoia Block 5 (Torongo)/8 whole to be registered in the names of Richard Bett - deceased.
10. Cherangani/Trans Nzoia Block 5 (Torongo)/10 whole to be registered in the names of Torongo Cattle Dip.
11. Cherangani/Trans Nzoia Block 5 (Torongo)/11 whole to be registered in the names of Torongo AIC.
12. Cherangani/Trans Nzoia Block 5 (Torongo)/12 - Hellen Jepkemoi Kodonyo to get 10 acres.
13. Cherangani/Trans Nzoia Block 5 (Torongo)/12 – Isabel Jepkurui Kiptoo to get 10 acres.
14. Cherangani/Trans Nzoia Block 5 (Torongo)/12 - Dorothy Bett to get 10 acres.
15. Cherangani/Trans Nzoia Block 5 (Torongo)/12 - Dorcas Bett to get 10 acres.
16. Cherangani/Trans Nzoia Block 5 (Torongo)/12 - Dennis Kipkogei to get 10 acres.
17. Cherangani/Trans Nzoia Block 5 (Torongo)/13 whole to be registered in the names of Francis Kollum - Purchaser.
18. Eldoret Municipality Block 14 /51- Joyce Chemaiyo Bett and John Kitilit Bett to share equally.
19. Eldoret Municipality Block 9/264 - Joyce Chemaiyo Bett and John Kitilit Bett to own jointly.
20. Baringo/Mumberes/142 - Julius K. Bii (Purchaser) to get 8 acres.



21. Baringo/Mumberes/142 - Joyce Chemaiyo Bett to get 0.7 acres.
  22. Baringo/Mumberes/144 - Robert K. Kibor to get 10 acres.
  23. Baringo/Mumberes/144 - Joyce Chemaiyo Bett to get 1.65 acres.
  24. Baringo/Mumberes/144- John Kitilit Bett to get 3.35 acres.
  25. Baringo/Mumberes/265 - Andrew K. Rutto to get 1 acre.
  26. Baringo/Mumberes/265 - Joyce Chemaiyo Bett to get 1 acre.
  27. Torongo Plot Centre No 21- Joyce Chemaiyo Bett and John Kitilit Bett to own jointly.
  28. Eldama Ravine Town Plot - Joyce Chemaiyo Bett and John Kitilit Bett to own jointly.
  29. Centre plot at Moiben - Joyce Chemaiyo Bett and John Kitilit Bett to own jointly.
  30. Motor Vehicle reg. No KAA188C to be given to John Kitilit Bett.
  31. Motor vehicle reg. No KPQ 370 to be given to Joseph Bett.
  32. Motor vehicle reg. No KXW 420 to be given to Richard Bett.
  33. M.F Tractor KLR 987 to be given to Richard Bett.
  34. M.F Tractor KSA 865 to be given to John Kitilit Bett.
  35. 2 disc plough frames to be given to John Kitilit Bett and Richard Bett.
  36. 2 Harrows to be given to Joseph Bett.
  37. Trailer to be given to John Kitilit Bett.
  38. Milk chuns to given to John Kitilit Bett.
  39. Motor vehicle reg. No KAB 555G, KLB 304, International Tractor KXG 710, Fordson Major Tractor KLY, 2 Disc Plough, one Harrow, Trailer, Milk Chuns all to be given to Joyce Chemaiyo Bett.
  40. Lorry registration No KAB 044L to be owned jointly by Joyce Chemaiyo Bett and John Kitilit Bett.
  41. Shares at ICDC Investment Company to be given to Joyce Chemaiyo Bett and John Kitilit Bett.
  42. Shares at Standard Chartered Bank to be given to Joyce Chemaiyo Bett and John Kitilit Bett.
  43. Shares at National Bank Limited to be given to Joyce Chemaiyo Bett and John Kitilit Bett.
  44. Shares at Kenya Commercial Bank to be given to Joyce Chemaiyo Bett and John Kitilit Bett.
6. As a result of this review, an amended certificate of confirmation of Grant be issued in consonant with the convents in the consent order.
  7. It is so ordered.

**DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 2<sup>ND</sup> DAY OF APRIL 2025**

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**R. NYAKUNDI**  
**JUDGE**

