



**Chesiyna v Chesiyna & 2 others (Succession Cause 26 of 2020)
[2025] KEHC 6063 (KLR) (12 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6063 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 26 OF 2020
HI ONG'UDI, J
MAY 12, 2025
IN THE MATTER OF THE ESTATE OF ELISHA CHEBII
CHESIYNA (DECEASED)**

BETWEEN

JEPTUM CHESIYNA APPLICANT

AND

AMELIA JEPTOO CHESIYNA 1ST RESPONDENT

LOICE CHEPKWONY 2ND RESPONDENT

**KAPTEN CHEPKWONY CHESIYNA & JERONO CHESIYNA ... 3RD
RESPONDENT**

RULING

1. Upon perusal of the record herein I note that:
 - i. On 15th June, 2023 this court presided over by Chemitei J gave the parties 30 days to finalize their proposals on distribution.
 - ii. On 27th July, 2023 the matter was fixed for hearing on 16th November, 2023. On the said date all parties were absent save for Mr. Ombui for the petitioners. It was noted that an application dated 9th November, 2023, had been filed by one Elijah KipLangat Chesiyna seeking to have one Susan C. K. Chesiyna avail to court a list of undisclosed properties belonging to the deceased's estate which include motor vehicle and land, rents received since August, 2020 among others. Also cited in the application is Amelia Cheptoo Chesiyna. Directions on this application were issued the same day.



2. It later became known to the court that there were several other applications pending. Again, the court issued directions on the disposal of the same on 6th February, 2024. It was also directed that the parties who had not filed their proposed mode of distribution do so within a specified period.
3. When the matter next came up for mention the court learnt of yet another application on substitution of the 1st administrator. The application was later heard and a Ruling dismissing it delivered on 17th December, 2024. Following a complaint of intermeddling with the estate by Mr. Mukoya, the court directed all parties to appear before the open court on 16th January, 2025. Come that day, none of the parties was in attendance. The matter was finally fixed for mention on 8th May, 2025 for further directions.
4. Pending the said mention Mr. Kasamali for two beneficiaries (Chebet and Chetum Chesyna) filed two similar applications dated 3rd February, 2025 and 11th March, 2025 respectively. The said applications relate to complaints related to claims of intermeddling with deceased's estate.
5. When the matter was mentioned on 8th May, 2025 Mr. Ombui and Mr. Omwega expressed the view to have the applications done away with so that the court could have an early opportunity to hear the petition on the distribution of the estate. It was also confirmed that all parties had filed their proposals on distribution of the estate.
6. Mr. Kasamani for the beneficiary applicants indicated that the applications had been necessitated by the infighting among the beneficiaries over the properties. His suggestion was for the court to give an early hearing date to resolve the issue.
7. This complaint of infighting would not be an issue if the parties had complied with the court's order to appear before it physically on 16th January, 2025. That was the issue the court had wanted to address but it was ignored, by the parties herein.
8. The above being the case I direct the four counsel to sit down with their clients and hold a family meeting within the next 7 days. The issue of interference with estate properties must be addressed. Secondly Mr. Kasamani will confirm to court whether he still wishes to pursue the two applications. If the answer is in affirmative then parties should be ready for a further long wait before the hearing of the main petition.
9. The matter will be mentioned on 20th May, 2025 to confirm the position
10. Orders accordingly

DELIVERED, VIRTUALLY DATED AND SIGNED THIS 12TH DAY OF MAY, 2025 IN OPEN COURT.

H. I. ONG'UDI

JUDGE

