



**In re Estate of Towett Taita (Deceased) (Succession Cause
189 of 2011) [2025] KEHC 6956 (KLR) (26 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6956 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 189 OF 2011**

JM NANG'EA, J

MAY 26, 2025

IN THE MATTER OF THE ESTATE OF THE LATE TT (DECEASED)

IN THE MATTER OF

**JAMES KIPROTICH BIAGON 1ST ADMINISTRATOR
CHRISTOPHER KIPTOO TOWETT 2ND ADMINISTRATOR
PETER KIPTOO TANUI 3RD ADMINISTRATOR
ANNA KAMAYA TOWETT 4TH ADMINISTRATOR**

RULING

1. On the 16th December 2024 my brother (H. M. Nyaga, Judge) issued various directions and/or orders herein which include the following:-
 - i. That the Joint Administrators do propose an expert to identify and value the land comprising the deceased's estate. If there is no agreement on a joint valuer, the 2nd House of the deceased represented by the 2nd Administrator may appoint their own valuer.
 - ii. The 2nd Administrator was directed to appoint their own valuer within 14 days if there was no consensus on a joint valuer, and thereafter the respective valuers would file their reports in court within 30 days of their appointment.

And;
 - iii. It was further directed that the Administrators do agree on sale of one of the properties of the deceased to finance the valuation exercise.
2. When the matter later came for mention on 19th February 2025 it transpired that the Court's directions had not been complied with, the 1st, 3rd and 4th Administrators attributing the stalemate to the 2nd Administrator.



3. The 2nd Administrator responded that he had in fact given his proposals on the way forward vide his affidavit filed on 27th August, 2024. He in turn blames his Co-Administrators for the lack of progress.
4. The Court then asked the 1st, 2nd and 4th Administrators to give their proposals on the arising issues for the Court's consideration alongside the 2nd Administrator's opinion. This Ruling is given upon consideration of the respective proposals.
5. I have perused the parties' proposals. The 1st, 3rd and 4th Administrators suggest sale of 10 acres of Title No. IR 50376 Survey Plan No. 138307 to cater for the valuation expenses. They are opposed to disposition of Title No. Njoro/Ngata Block 2/464 as suggested by the 2nd Administrator for the reasons that it is where the remains of the deceased are interred and further that it is too small, particularly after curving out the portion that bears the deceased's grave.
6. I have read through the 2nd Administrator's affidavit sworn on 27th August 2024 which he appears to rely on as stating his proposals regarding the matter. I am unable to discern his specific proposals on appointment of a Valuer and/or which property comprising the deceased's estate he prefers to be sold to cater for valuation expenses.
7. The Court cannot identify property for sale on behalf of the parties. It is upto the Administrators to ensure completion of the process of transmission of the deceased estate or their Grant is revoked and/or other appropriate legal measures taken to ensure closure of this file.

RULING DELIVERED THIS 26TH DAY OF MAY, 2025 IN THE PRESENCE OF:

J. M. NANG'EA, JUDGE.

1st, 3rd and 4th Administrators' Advocate, Ms Ndeda

2nd Administrator, Present in Person

The Court Assistant (Jeniffer)

