



REPUBLIC OF KENYA



In re Estate of David Kipsugut Biwott (Deceased) (Succession Cause E040 of 2024) [2025] KEHC 8381 (KLR) (17 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8381 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE E040 OF 2024
RN NYAKUNDI, J
JUNE 17, 2025
IN THE MATTER OF THE ESTATE OF THE LATE
ESTATE OF DAVID KIPSUGUT BIWOTT(DECEASED)**

RULING

1. Before this court is an application in the above-mentioned case seeking the following orders:
 - i. The grant of letters of administration intestate issued to the said James Kipngetich Sugut and Salina Chepkemoi Biwott in this matter on 9/7/2024 and confirmed 7.2.2025 be rectified in the following aspects as provided for by rule 43(1) of the *Probate an Administration Rules*:
 - a. The land on the title is slightly bigger than what was initially subdivided therefore the beneficiaries had a slight increase and decrease. That is: Salina Chepkemoi Biwott increased to 6.412 acres from 5.8 acres, Eliud Kimutai Sugut increased to 1.060 acres from 1 acre, Samuel Kipchumba Sugut and James Kipngetich Sugut are to get 1.30 acres instead of 1.35 acres, Nicholas Kiptanui Kemboi increased to 1.29 acres instead of 1.20 acres, Philimon Kibitok Sugut increased to 1.82 acres instead of 1.60 acres, Julia Jepkosgei Kemboi increased to 0.23 acres instead of 0.2 acres, Prisca Jepkemei Lutiet increased to 1.182 acres instead of 1.1 acres

It is further annexed by an affidavit which states as follows:-

1. That a grant of letters of administration intestate was made to us by this Honourable court on the 10.9.2021 and confirmed 7.2.2025.
2. That the said grant contains errors as to The land on the title is slightly bigger than what was initially subdivided therefore the beneficiaries had a slight increase and decrease.
3. That we wish to amend the certificate of confirmation of grant due to the following reasons:
4. That the amended take recognizance of the interests of all the beneficiaries
5. That the amendment does not reduce the actual entitlement given to any of the beneficiaries.



6. That the said grant has not been confirmed
7. It is desirable that the above errors be rectified by the court

Decision

2. The administrators moved the court by the way of summons for confirmation of grant and on 7.2.2025 the aforesaid certificate which is the final decree of the court was issued on 7.2.2025 detailing the distribution matrix for each of the beneficiaries. Before the ink on confirmation would dry on 20.3.2025 the Applicants Dorcas Jepkemboi, Joyce Jerubet Kosgei, Jane Jelimo Tanui, Ruth Jepchirchir Nkanee and Julia Chepkoskei Kemboi seeking revocation of the certificate of confirmation of grant. This application has not been determined. The administrator Selina Jepkemoi on 27.5.2025 filed summons for rectification of grant annexed to it was an affidavit giving reasons as to why the application should be allowed. My reading of this latest application seems to be aligning the shares of the estate and the named beneficiaries. There should be no problem by this court to rectify the grant as provided for in Section 74 of the Act as read with Rule 43(1) of the Probate and Administration Rules. However, I have reservations on this latest application based on the following reasons.
 - a. That the administration of the estate pursuant to Section 66 of the law of Succession Act is grounded on two administrators namely: James Kipngetich Sugut and Salina Jepkemoi Biwott. In the instant application, there is no mention of James Kipngetich Sugut having sworn an affidavit in support of the rectification or amendment of the certificate of confirmation of grant.
 - b. That the former application on revocation filed on 20.3.2025 is yet to be canvassed on the merits. As a consequence, therefore, the two application be served to all beneficiaries to the estate for a pre-trial conference on 23.6.2025.
 - c. It is so ordered.

GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 17TH DAY OF JUNE 2025

R. NYAKUNDI

JUDGE

