



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Sila Kiplagat Letting (Deceased) (Succession Cause 46 of 2014) [2025] KEHC 8443 (KLR) (17 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8443 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT ELDORET

SUCCESSION CAUSE 46 OF 2014

RN NYAKUNDI, J

JUNE 17, 2025

IN THE MATTER OF THE ESTATE OF SILA KIPLAGAT LETTING (DECEASED)

THOGUH

ESTHR JEPNGETICH LETTING

RULING

1. Before this court is an application made in the above mentioned case seeking the following orders:-
 - i. That Sylvia Jepkosgei who was granted letters of administration intestate gave false information thus misleading the court by presenting herself and Nancy Jeruto leaving out 5 other beneficiaries yet they are serving namely: Beatrice Jelimo, Gladdys Jebet Jackson Kibor, Cornelius Kiprono and Bonface Kipchumba.
 - ii. That the grant was obtained fraudulently by making of false statement that Catholic Diocese of Eldoret St Vincent Catholic church was a creditor in the estate of the late Sila Kiplagat Letting when it is not and thus not a beneficiary of the whole or part thereof of land parcel known as Kapsaret/Kapsaret Block [particulars withheld]
 - iii. That the petitioner has concealed material factors in respect of the deceased herein hence she cannot purport to consider to administer the estate of the deceased family
 - iv. That the petitioner had denied any involvement in the proceedings herein
 - v. That in the circumstances the interest and welfare of all the defendants shall not be adequately taken care of by the petitioner
2. It is further annexed by an affidavit sworn by Beatrice Jelimo Letting which states as follows:-
 - i. That I am the applicant herein thus competent to swear this affidavit
 - ii. That I have petitioned for letters of administration my late father Sila Kiplagat Letting vide Eldoret Chief Magistrate's Court Succession Cause No 14 of 2016 in which grant was issued to me on 31.5.2016 and confirmed on 20.7.2022



- iii. That I later learned of the existence of this cause in January 2023 or thereabout through the firm of Kiboi Tuwei & Co. Advocates

Decision

3. On 30.5.2025 in the presence of both counsels Mr. Songok and Mr. Kiboi it emerged that parties have been litigating also on the same subject matter in Eldoret Chief Magistrate's Court P&A No. 14 of 2016 which was running concurrently with Probate and Administration No. 46 of 2014. The primary file before the Chief Magistrate's Court has proceeded in earnest and concluded by dint of a mediation agreement as the anchor of the distribution matrix. It therefore befalls this court to have this probate case transferred to the Chief Magistrate's Court as a reference to the ongoing proceedings to avoid a miscarriage of justice at the end of it all. It is trite in procedural law that no constitutional organs constituted under Article 50 (1) of the *constitution* can purport to exercise jurisdiction on the same subject matter with identical parties. The forum of convenience therefore remains for our case to be the Chief Magistrate's Court. The status conference be held on 23.6.2025 at the same venue and forum.

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

R. NYAKUNDI

JUDGE

Representation:

Kiboi Tuwei & Co. Advocate

J.K Kaptich & Associates

