



REPUBLIC OF KENYA



In re Estate of the Late Anna Chepchirchir Kiprotich (Deceased) (Succession Cause 317 of 2009) [2025] KEHC 8288 (KLR) (11 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8288 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 317 OF 2009**

RN NYAKUNDI, J

JUNE 11, 2025

**IN THE MATTER OF THE ESTATE OF THE LATE
ANNA CHEPCHIRCHIR KIPROTICH(DECEASED)**

BETWEEN

**GRACE CHEPKOSGEI KIPROTICH 1ST OBJECTOR
BEN KIMUTAI ROTICH 2ND OBJECTOR
DAVID KIBET ROTICH 3RD OBJECTOR**

AND

**IGNATISU KIPKEMEI ROTICH 1ST PETITIONER
LOUIS M KIPRUGUT ROTICH 2ND PETITIONER
MARK KIPLAGAT ROTICH 3RD PETITIONER**

RULING

1. This is an application in the above-mentioned case seeking the following orders:
 - i. This Honourable be pleased to strike out application dated 20th November 2011 by the objectors.
 - ii. That upon issuance of order 2 above the court to reinstate the grant issued on 14.2.2011
 - iii. That an order of eviction be issued against the objectors in all the properties of the suit herein
2. It is further supported by an affidavit sworn by Richard Warigi which states as follows:-
 - i. That I am an advocate of the High Court of Kenya practicing as such in the firm of Warigi & Company Advocates who have conduct of this matter on behalf of petitioner



- ii. That on 3rd November 2021 I caused service of an application dated 19.10.2021 upon the firm of Rioba Omboto & Co. Advocates at Anchor Building 4 Floor within Eldoret, whereby they acknowledged service by signing and stamping on the from side of my returned copy.
- iii. That I hereby return the same to court duly served.

Directions

- a. The Application be canvassed by way of written submissions
- b. The parties isolate the Interlocking issues subject of litigation in Succession Cause NO. 317 of 2009 and 193 of 2003.
- c. That an executive summary of both files be prepared by the legal counsels seized of the matter highlighting beneficiaries to each litigation, the free property, capable of being distributed.
- d. The contradistinction of the certificate of confirmation of grant issued by this court by the various session judges and any other decisions so pronounced which have a negative impact on either Succession Cause 317 of 2009 or 193 of 2003
- e. That the revocation of the impugned certificate of confirmation of grant in Succession Cause 193 of 2003 did not pass any inheritance rights to the beneficiaries or objectors.
- f. That any claim to some crystalized inheritance rights by any of the heirs to the estate or the objectors amounts to a criminal offence punishable under the Succession Act. By this order the Area Chief and the Sub County Commissioner shall ensure that no acts of trespass are committed by the objectors as alleged in some averment of an affidavit shared with the court.
- g. That the legal counsels seized of this matter to bring to the attention of this court the co-relation between Succession Cause 317 of 2009 and 193 of 2003.
- h. The one million dollar question must be answered whether indeed there is still free estate of the deceased capable of being distributed given the echoes on some disclosures pleaded on record with regard to Succession Cause 317 of 2009 which seems to suggest that the estate was fully and conclusively distributed to the beneficiaries. Status Conference on 23.6.2025.

GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 11TH DAY OF JUNE 2025

.....

R. NYAKUNDI

JUDGE

