



**In re Estate of the Late Kipkoros arap Chumo (Deceased) (Succession Cause 70 of 2010) [2025] KEHC 10245 (KLR) (17 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10245 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
SUCCESSION CAUSE 70 OF 2010**

**JK SERGON, J**

**JULY 17, 2025**

**THE MATTER OF THE ESTATE OF THE LATE KIPKOROS ARAP CHUMO (DECEASED)**

**BETWEEN**

**CHRISTINE CHEPTOO CHUMO ..... PETITIONER**

**AND**

**HELLEN CHEMUTAI CHUMO ..... OBJECTOR**

**JUDGMENT**

1. In the instant succession matter the beneficiaries of the deceased could not agree on distribution of the estate of the deceased. The parties had filed their respective modes of distribution for consideration by this court, the main bone of contention being the distribution and more in respect to Kericho/ Kipchimchim/2264 which was restored in the names of Kipkoros A. Chumo (deceased) vide the ruling of Kericho ELC No. E003 of 2020 (O.S)
2. On 26.10.2023 the matter was referred for court annexed mediation, the parties did not arrive at a settlement and therefore the matter was referred back to court on 18.1.2024 and parties directed to file their preferred mode of distribution.
3. Christine Cheptoo Chumo had previously filed an affidavit with her preferred mode of distribution dated 11th November, 2020.
4. She avers that the letters of administration in respect of the estate of the deceased were issued to her on 28th February, 2018.
5. She avers that it is over six (6) months since the grant was issued.
6. She avers that the deceased died intestate and left several surviving dependents and was the owner of Kericho/Kapsaos/1204.



7. She avers that the identification and distribution of the shares of all persons beneficially entitled to the estate of the deceased has been ascertained and determined as follows;  
Kericho/Kapsaos/1204  
Christine Cheptoo Chumo - 1.3 Ha
8. Hellen Chemutai Chumo the objector filed an affidavit with her preferred mode of distribution dated 6th July, 2021 in response to the petitioners mode of distribution citing that she was a beneficiary of the deceased and that she had been left out in the letter from the chief and therefore sought to have the estate of the deceased redistributed as follows as her brothers were content;  
Kericho/Kapsaos/1204  
Christine Cheptoo Chumo - 0.65 Ha  
Hellen Chemutai Chumo - 0.65 Ha
9. On 27th March, 2023 the Environment and Land Court at Kericho vide Kericho ELC No. E003 of 2020 (O.S) gave orders restoring Kericho/Kipchimchim/2264 in the names of Kipkoros A. Chumo (deceased). It is therefore against such background that Hellen Chemutai Chumo the objector filed an amended affidavit of preferred mode of distribution dated 11th July, 2023.
10. She avers that the letters of administration intestate in respect of the estate of the deceased were issued to Christine Cheptoo Chumo on 28th February, 2018 but the court failed to include her as a co-administrator of the estate of the deceased.
11. She avers that the deceased died intestate and left several surviving dependents and was the owner of (i) Kericho/Kipchimchim/2264 and (ii) Kericho/Kapsaos/1204
12. She avers that the identification and distribution of the shares of all persons beneficially entitled to the estate of the deceased has been ascertained and determined as follows  
Kericho/ Kipchimchim/2264  
1st house  
Christine Cheptoo Chumo - 1.79 acres  
Lydia Chelangat Soi - 1.79 acres  
2nd house  
Paul Kimutai Kirui - 1.79 acres  
Johnstone Cheruiyot Koros - 1.79 acres  
David Kiprotich Koros - 1.79 acres  
Robert Kibet Koros - 1.79 acres  
Hellen Chemutai Chumo - 1.79 acres  
Margaret Chepkemoi Chumo - 1.79 acres  
Mary Chemeli Langat - 1.79 acres  
Kericho/Kapsaos/1204  
1st house  
Christine Cheptoo Chumo - 0.356 acres



Lydia Chelangat Soi - 0.356 acres

2nd house

Paul Kimutai Kirui - 0.356 acres

Johnstone Cheruiyot Koros - 0.356 acres

David Kiprotich Koros - 0.356 acres

Robert Kibet Koros - 0.356 acres

Hellen Chemutai Chumo - 0.356 acres

Margaret Chepkemoi Chumo - 0.356 acres

Mary Chemeli Langat - 0.356 acres

13. She avers that no estate duty is payable (or remains unpaid) in respect to the estate of the deceased.
14. She avers that the proposed mode of distribution is fair, equitable and in line with the provisions of the succession act.
15. This court directed that the matter proceed via oral evidence.
16. Pw. 1 the protestor and daughter from the second house testified and adopted her witness statement dated 3rd April, 2019 as evidence in chief in which she stated that the deceased was polygamous and therefore his property needs to be distributed equitably and that the petitioner had intermeddled and fraudulently interfered with the estate, included strangers as beneficiaries to the estate and concealed the status of Kericho/ Kipchimchim/2264 which forms part of the estate and should therefore be shared equally among the beneficiaries of the deceased.
17. During examination in chief, she stated that on 28.2.2018 a temporary grant was issued to Christine Cheptoo Chumo, her step sister from the first house. She confirmed that the area chief gave her a letter of introduction listing the beneficiaries of the estate which she produced as PExh. 4. She confirmed that she had a copy of the decision obtained from the Environment and Land Court on 17th April, 2023 nullifying titles issued in respect to Kericho/ Kipchimchim/2264 and reverting the same to Kipkoros Arap Chumo which she produced as PExh. 5. She confirmed that she had filed an affidavit showing a schedule of distribution which she produced as PExh. 6. She maintained that she is from the second house and should therefore be appointed as one of the administrators of the estate of the deceased.
18. On cross examination, she confirmed that their father was married to two wives, namely; Esther Chumo and Grace Chumo who were deceased. She maintained that she wanted the grant revoked as she and her sisters were not listed as beneficiaries and neither informed and/or involved in the succession proceedings.
19. On re-examination, she confirmed that the grant had not been confirmed and that she lives on the Kericho/Kipchimchim/2264 which had been subdivided and titles issued, however, these titles were subsequently nullified by the Environment and Land Court.
20. At the close of the protestor's case, the petitioner testified.
21. Dw. 1 testified and adopted the contents of her replying affidavit dated 6th April, 2018 as evidence in chief in which she stated that Kericho/Kipchimchim/2264 was transferred to beneficiaries in the lifetime of the deceased and therefore the property was not subject of the instant succession proceedings and that she was supposed to inherit Kericho/Kapsaos/1204 as a share of the first house and the objector being a daughter of the second house should claim her share from the second house. She also



- stated that it is not a legal requirement that all dependents of the deceased be made petitioners in order to safeguard their interests.
22. During examination in chief, she confirmed that her and her step-sister Hellen Chemutai (the protestor) are embroiled in a protracted dispute over Kericho/Kipchimchim/2264 and that she has attempted to resolve the dispute to no avail. She confirmed that the protestor was claiming a share of Kericho/Kipchimchim/2264. On cross examination, she confirmed that Kericho/Kapsaos/1204 belongs to the deceased and that Kericho/Kipchimchim/2264 which previously belonged to the deceased was now registered in her name and that she was not privy to the fact that the said title had been cancelled. She maintained that upon the demise of the deceased, elders met and resolved the dispute and therefore the land was to be divided according to the houses. She contended that the protestor belongs to the second house and therefore she should pursue her share from the second house.
  23. At the close of the respective parties' case, this court directed the parties to file written submissions, however, at the time of writing this judgement the parties had not uploaded their submissions on the case tracking system therefore the court considered the respective modes of distribution and viva voce evidence to arrive at a fair and just determination.
  24. This court has considered the modes of distribution filed by the parties and finds that the issue (s) for determination is the most equitable and fair mode of distribution of the estate of the deceased among the surviving children of the deceased.
  25. It is the petitioner's case that she and the protestor were embroiled in a protracted dispute over Kericho/Kipchimchim/2264 which was transferred to the beneficiaries in the lifetime of the deceased and therefore not part of the estate of the deceased and subject to the instant succession proceedings. It is also the petitioner's case that she was supposed to inherit Kericho/Kapsaos/1204 as a share of the first house and the objector being a daughter of the second house should claim her share of the estate from the second house. The petitioner is adamant that it is not a legal requirement that all dependents of the deceased be made petitioners in order to safeguard their interests.
  26. It is the protestor's case that the deceased was polygamous and therefore his property needs to be distributed equitably among the surviving children of the deceased and that the petitioner had intermeddled with the estate of the deceased, included strangers as beneficiaries to the estate and concealed the status of Kericho/ Kipchimchim/2264 which forms part of the estate and should therefore be shared equally among the beneficiaries of the deceased.
  27. This court finds that pursuant to the ruling of Kericho ELC No. E003 of 2020 (O.S) whereby the contested land parcel Kericho/ Kipchimchim/2264 was restored to the names of the deceased, forms part of the estate of the deceased alongside Kericho/Kapsaos/1204 and therefore both parcels should be divided equally among the surviving children of the deceased. This court has considered the testimony of the petitioner who contended that upon the demise of the deceased, elders met and resolved the land dispute and resolved the land was to be divided according to the houses. However, the petitioner has not availed any minutes in support of these assertions, therefore this court is therefore duty bound to distribute the estate in the manner it deems fair and just and in tandem with the relevant law on intestacy.
  28. Consequently this court finds that the amended affidavit of preferred mode of distribution dated 11th July, 2023 filed by the objector is fair and equitable in the circumstances given that the deceased was survived by his children, the estate should be divided equally among the surviving children of the deceased as per the provisions of section 38 of the *Law of Succession Act* as follows;



Kericho/ Kipchimchim/2264

1st house

Christine Cheptoo Chumo - 1.79 acres

Lydia Chelangat Soi - 1.79 acres

2nd house

Paul Kimutai Kirui - 1.79 acres

Johnstone Cheruiyot Koros - 1.79 acres

David Kiprotich Koros - 1.79 acres

Robert Kibet Koros - 1.79 acres

Hellen Chemutai Chumo - 1.79 acres

Margaret Chepkemoi Chumo - 1.79 acres

Mary Chemeli Langat - 1.79 acres

Kericho/Kapsaos/1204

1st house

Christine Cheptoo Chumo - 0.356 acres

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Johnstone Cheruiyot Koros - 0.356 acres

David Kiprotich Koros - 0.356 acres

Robert Kibet Koros - 0.356 acres

Hellen Chemutai Chumo - 0.356 acres

Margaret Chepkemoi Chumo - 0.356 acres

Mary Chemeli Langat - 0.356 acres

29. The Objector namely Hellen Chemutai Chumo is appointed as a Co-Administratrix with the Petitioner Namely Christine Cheptoo Chumo of the Estate of Kipkoros Arap chumo, deceased.
30. The grant is hereby confirmed and distribution of the Estate be done as stated in Paragraph 28 hereinabove.
31. Each party to meet their own costs.

**DELIVERED, SIGNED AND DATED AT KERICHO THIS 17TH DAY OF JULY, 2025.**

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**J.K. SERGON**

**JUDGE**

In the Presence of:



C/Assistant – Rutoh

Miss Otieno for the Petitioner

No Appearance for the Objector

