



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Sawe Maina (Deceased) (Succession Cause
350 of 2015) [2025] KEHC 9894 (KLR) (10 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9894 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 350 OF 2015
RN NYAKUNDI, J
JULY 10, 2025**

BETWEEN

SUSAN CHEPTEKENY MAINA 1ST PETITIONER

ESTHER JEPSONGOK TOO 2ND PETITIONER

AND

GILBERT KIPLIMO MAINA RESPONDENT

RULING

1. That this matter be certified as urgent, heard ex-parte and its service be dispensed with first instance
2. That the court does issue an order to the effect that the Deputy Registrar do execute all the appropriate and necessary documents to effect sub-divisions, transfer and transmission of the properties of the estate to the beneficiaries
3. That the respondent be ordered to surrender the original title deed L.R 8518 (I.R 182905) in his possession to the Deputy Registrar office for purposes of transmission of estate to the beneficiaries
4. That the Respondent be dismissed as an administrator in the estate of the late Sawe Maina succession cause no. 350 of 2015
5. The costs of the application be provided for
Which application is based on the following grounds:
 1. That on 3/10/2019 the letters of Administration intestate was granted to Gilbert Kiplimo Maina, Esther Jepsongok Too and Susan Cheptepkeny Maina by the High court at Eldoret
 2. That the same was confirmed on the 25/04/2024 and a certificate of confirmed grant issued to that effect by Hon. Justice Nyakundi



3. That the Respondent herein approached the Court of Appeal under Civil Appeal Application E027 of 2024 and the same was dismissed on the 16/05/2025 effectively bring to end litigation in this matter
4. That ever since then, the Respondent has frustrated the distribution of the estate to the beneficiaries through threats, intimidation and withholding of the original title deed
5. That the Respondent's action is tantamount to contempt of court as it illegally blocks the implementation of this honorable court's decree, which is the confirmed grant dated 25/04/2024
6. That out of the Respondent's action, the distribution of the estate is yet to commence much to the disadvantage of the other beneficiaries to the estate
7. That following the unjustified actions of the co-administrator is tantamount to the court supporting the violation of its own orders and decree, which should not be the case
8. That despite a reminder to the Respondent, a co-administrator through a letter to his advocate, he has adamantly refused or neglected to act as required
9. That the said administrators has become law unto himself by claiming that he would carry out the duties as to how and when he deems fit contrary to the certificate of confirmation of grant, holding the distribution of the estate at ransom and disadvantage more than 10 beneficiaries of the estate while at it.

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

1. That I am an adult of sound of mind residing in Eldoret, Uasin Gishu county within the Republic of Kenya and the 1st applicant in the application herein and with authority from the 2nd applicant, hence, competent to swear this affidavit
2. That I am one of the duly listed beneficiaries and an administrator of the estate of the late Sawe Maina who died Domiciled in the Republic of Kenya
3. That the letters of administration intestate of the estate of the late Maina Sawe was granted to Gilbert Kiplimo Maina, Esther Jepsongok Too and Susan Cheptepkeny Maina on the 3/10/2019 by the High court at Eldoret
4. That on 25/04/2024 the court confirmed the grant issued Gilbert Kiplimo Maina, Esther Jepsongok Too and Susan Cheptepkeny Maina and consequently a certificate of confirmation of grant was duly issued by Hon. Justice Reuben Nyakundi, Judge of the High court at Eldoret (annexed and marked SCM-001 Confirmed Grant)
5. That the Respondent, who is also an administrator in the estate has frustrated the implementation of the confirmed grant on male chauvinist view that being the male child, he ought to have been given more portions and bigger property than the rest of his siblings from house B whom are females
6. That the respondent herein is in possession of the original title deed needed for the subdivision to be undertaken but has refused to surrender the same for effective administration and subdivision of the property
7. That despite a reminder to the respondent through a letter to his advocate he has adamantly refused or neglected to act as required (annexed and marked SCM-002 is the correspondence)
8. That the said administrator has become law unto himself by claiming that he would carry out the duties as to how and when he deems fit contrary to the certificate of confirmation of grant,



holding the distribution of the estate at ransom and disadvantaging more than 10 beneficiaries of the estate

9. That the actions and omissions of the said administrator have led to the delay of administration and transmission of the estate to the rightful beneficiaries of the deceased as per the judgment and certificate of confirmation both dated 25/04/2024
10. That the said administrator should be compelled to append his signature on the transfer form to enable onward transmission of title to the surveyor for purposes of sub-division of the said parcels of land.
11. That the court does issue an order to the effect that the Deputy Registrar do execute all the appropriate and necessary documents to effect sub-divisions, transfer and transmission of the properties of the estate to the beneficiaries.
12. That the court does issue an order to the Respondent to compel him to surrender the title to the Deputy Registrar for purposes of sub-division and distribution of the property to the beneficiaries
13. That all that is deposed to herein above is true to the best of my knowledge, information and belief

Decision

1. The application be served for inter-parties hearing on July 16, 2025, in the interim brief submissions be filed with precise factual matrix and the law.
2. The proposed ruling be arrested pending the crystallization of the rights or legal representation under Art 50 (2) (h) of *the constitution*.
3. Orders accordingly

GIVEN UNDER MY HAND SEAL OF THIS COURT THIS 10TH DAY JULY 2025.

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R. NYAKUNDI

JUDGE

