



**In re Estate of the Late Samuel Tilebo Lebo (Deceased) (Citation Cause E057 of 2024) [2025] KEHC 13219 (KLR) (24 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13219 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CITATION CAUSE E057 OF 2024  
RN NYAKUNDI, J  
SEPTEMBER 24, 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE SAMUEL TILEBO LEBO (DECEASED)**

**BETWEEN**

**CLEMENT KIPROTICH CHEMISTO ..... CITOR**

**AND**

**JOYCE LEBO ..... 1<sup>ST</sup> CITEE**

**LINUS KIBIWOTT LEBO ..... 2<sup>ND</sup> CITEE**

**RULING**

1. Before this court are summons dated 11<sup>th</sup> July, 2025 expressed under the provisions of section 47 and 83 of the [Law of Succession Act](#) seeking orders as follows:
  - a. Spent
  - b. The OCS, Moiben Police Station together with their officers to provide security during the execution of the orders issued by this Honorable Court on 11<sup>th</sup> February, 2025 and to ensure compliance with the said orders.
2. The application is anchored on various grounds and an affidavit sworn by Clement Kiprotich Chemisto. The grounds are enumerated as follows:
  - a. The Citor/Applicant is the registered owner of land parcel Moiben/Moiben/block 8 (Koisagat) 83 measuring approximately 10 acres.
  - b. The deceased, the Late Samuel Tilebo Lebo, is the registered owner of land parcel Moiben/Moiben/block 8 (Koisagat) 84 measuring approximately 12 acres.
  - c. That there has been a boundary dispute between the Citor/Applicant and the deceased. In a bid to resolve the boundary dispute, the Citor/Applicant visited the Land Registrar, Uasin



Gishu County with the aim of conducting a survey of the two parcels of land and restoring beacons between the two parcels.

- d. However, the Citor/Applicant was informed that the survey cannot be carried out without the participation of the family of the Late Samuel Tilebo Lebo who had refused to take out letters of administration intestate. In addition, the Citor/Applicant was advised that the survey could not be conducted without a court order.
  - e. As such, this Honorable Court issued an order on 11<sup>th</sup> February 2025 directing the Land Registrar, Uasin Gishu County working with the County Surveyor to visit the parcels of land Moiben/Moiben/block 8 (Koisagat) 83 and Moiben/Moiben/block 8 (Koisagat) 84 and to restore the beacons between the two parcels of land.
  - f. The Honorable Court further ordered that area chief, Meibek Location and the Sub County Commissioner Moiben Location to provide security during the survey process.
  - g. That the Citor/Applicant has approached the Land Registrar and a Surveyor to undertake sub-division of the parcels but the same cannot be done without security from OCS Moiben police station and his officers.
  - h. That the OCS Moiben police station directed that the Petitioners/Applicants obtain a court order directing that they provide security during the survey process and the subsequent restoration of the beacon.
  - i. That unless this application is allowed, the Citor/Applicant will suffer irreparable and substantial loss as a result of the unresolved boundary dispute.
3. The application is further supported by an affidavit by Clement Kiprotich Chemisto, who states as follows: -
1. That I am an adult male of sound mind and the Citor/Applicant in this matter, hence competent to swear this affidavit.
  2. That I am the registered owner of land parcel Moiben/Moiben/block 8 (Koisagat) 83 measuring approximately 10 acres.
  3. That the deceased, the Late Samuel Tilebo Lebo, is the registered owner of land parcel Moiben/Moiben/block 8 (Koisagat) 84 measuring approximately 12 acres
  4. That there has been a boundary dispute between me and the deceased. I have been desirous to resolve the boundary dispute, the Citor/Applica and as such I visited the Land Registrar, Uasin Gishu County with the aim of conducting a survey of the two parcels of land and restoring beacons between the two parcels.
  5. That I was informed that the survey cannot be carried out without the participation of the family of the Late Samuel Tilebo Lebo who had refused to take out letters of administration intestate. In addition, I was advised that the survey could not be conducted without a court order directing the Land Registrar Uasin County and the County Surveyor to conduct the survey and restore the beacons.
  6. That this Honourable Court issued an order on 11th February 2025 directing the Land Registrar, Uasin Gishu County and the County Surveyor to visit the parcels of land Moiben/Moiben/block 8 (Koisagat) 83 and Moiben/Moiben/block 8 (Koisagat) 84 and to restore the beacons between the two parcels of land.



7. That the Honorable Court further ordered the area chief, Meibek Location and the Sub County Commissioner Moiben Location to provide security during the survey process.
8. That I have approached the Land Registrar and the Surveyor to conduct the survey of the two parcels of land but the same cannot be done without security from OCS Moiben police station and his officers.
9. That the OCS Moiben police station directed me to obtain a court order directing them to provide security during the survey process and the subsequent restoration of the beacon.
10. That unless this application is allowed, the court order issued on 11<sup>th</sup> February 2025 would have been made in vain.

## **Decision**

4. The genesis of this litigation is based on a boundary dispute involving Title No. Moiben/Moiben block 8 (Koisagat) 83. The Court on considering the initial application issued various orders dated 11<sup>th</sup> February 2025.
5. The applicant, Clement Kiprotich Chemisto, has demonstrated through his affidavit that he has taken all reasonable steps to resolve this matter amicably, including approaching the relevant land authorities, only to be informed that court intervention is necessary to facilitate the survey process.
6. This Court notes with concern that while orders were duly issued on 11<sup>th</sup> February 2025 directing the Land Registrar of Uasin Gishu County and the County Surveyor to conduct the necessary survey and restore beacons between the two parcels, the effective implementation of these orders can only be attained through adequate security. The survey and beacon restoration exercise is a technical process that serves the interests of both properties and contributes to the orderly management of estate.
7. However, while this Court is minded to grant the application to ensure the effective implementation of its earlier orders, it is conscious of the fact that police security services for civil matters should not place an undue burden on public resources. The provision of security for private land surveying activities, while necessary in this instance, constitutes a service that should be compensated at the rates established by The National Police Service Standing orders for such specialized deployments.
8. Having considered the application, the supporting affidavit, and the circumstances surrounding this matter, this Court hereby makes the following orders:
  - a. The OCS Moiben Police Station, together with his officers, is hereby directed to provide adequate security during the execution of the court orders issued on 11<sup>th</sup> February 2025, specifically during the survey process and restoration of beacons between land parcels Moiben/Moiben/block 8 (Koisagat) 83 and Moiben/Moiben/block 8 (Koisagat) 84.
  - b. The survey exercise shall be conducted within forty-five (45) days from the date of this order, and all parties, including the Land Registrar, County Surveyor, and the security detail, shall coordinate to ensure the exercise is completed expeditiously and without unnecessary delay.
  - c. Before the commencement of the survey exercise, the County Surveyor, in consultation with the Land Registrar of Uasin Gishu County, shall assess the site and provide details to the OCS Moiben Police Station specifying the level of security required for the safe and effective conduct of the survey. Such details shall include but not be limited to the recommended number of police officers, the anticipated duration of the security deployment, and any special security considerations arising from the nature of the terrain or local circumstances.



- d. The provision of security services by the National Police Service for this civil matter shall be at the cost of the parties to this suit, with such costs to be calculated and charged in accordance with the prevailing rates established by The National Police Service Standing Orders for specialized security deployments in civil matters. The said payments shall be made in advance before the commencement of the security deployment.
- e. The applicant, being the party seeking these orders, shall be primarily responsible for meeting the costs of the security services, without prejudice to his right to seek contribution from other interested parties or to recover such costs as part of any future proceedings.
- f. The Deputy Registrar of the High Court invoking her ministerial powers, do monitor compliance of this order by ensuring it has been served appropriately and the condition precedent have been fulfilled before any undertaking by the County Surveyor and the Land registrar to move to the field to action on the boundary dispute.
- g. The matter herein shall be mentioned before the Deputy Registrar on 1<sup>st</sup> October, 2025 to comply with the directions given by the court. Thereafter the same shall be mentioned before this court after the lapse of 45 days' compliance period.

9. Orders accordingly.

**DATED AND SIGNED AT ELDORET THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2025**

.....

**R. NYAKUNDI**

**JUDGE**

