



REPUBLIC OF KENYA



**In re Estate of Raphael Koyiaki Sakaja (Succession Cause 2 of 2021)
[2024] KEHC 16444 (KLR) (17 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16444 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
SUCCESSION CAUSE 2 OF 2021
F GIKONYO, J
DECEMBER 17, 2024
ESTATE OF RAPHAEL KOYIAKI SAKAJA
AND
HIGH COURT AT NAKURU SUCCESSION
CAUSE NO. 65 OF 1987
IN THE ESTATE OF JOHN KITOONU
KIPELA SAKAJA**

RULING

1. Administrator arrogating estate to self Claims have emerged that; Raphael Koyiaki Sakaja who was the administrator of the estate of the late John Kitoonu Kipela Sakaja, distributed the estate property to himself contrary to the distribution of the estate ordered by the court in Nakuru Succession Cause No. 65 of 1987. Thus, disinheriting the other beneficiaries. They claimed that the property indicated as forming part of the estate of Raphael Koyiaki Sakaja, is the property of the estate of the late John Kitoonu Kipela Sakaja.
2. These claims were made by children of some of the sons of John Kitoonu Kipela Sakaja.
3. Raphael is one of the sons of John Kitoonu Kipela Sakaja. John died on 28th of May, 1985. Raphael was the sole administrator of the estate of John Kitoonu Kipela Sakaja having been issued with a grant of letters of administration in Nakuru Succession Cause No. 65 of 1987. The grant was confirmed and the estate of John Kitoonu Kipela Sakaja was distributed by the court as follows: -
 - a. Olemuruga Farm: Plots Nos. 2,7, 12. 13, 14, 19, 20, 21, 22, 30, 34, 53, 54, 67. Moita Adj Sec: Equal shares to sons Raphael K. Sakaja, Saoki Tirmen Sakaja, Francis L. Sakaja, Kipila Sakaja and Joseph Lemayian.
4. Pension From Former Employer: To widow whole share



5. Shares At Kailolong Society: Equal shares to sons Raphael K. Sakaja, Saoki Tirmen Sakaja, Francis L. Sakaja, Kipila Sakaja and Joseph Lemayian.
6. Raphael is now deceased and succession cause number 2 of 2021 relates to his estate.
7. The properties in his estate are part of the estate of John Kitoonu Kipela Sakaja. It has emerged that, Raphael did not distribute the estate as per the court order in Nakuru Succession Cause No. 65 of 1987. Hence, the problems we are seeing.
8. Parties attempted an amicable settlement of the issues but in vain. Rendering this ruling and directions necessary.
9. It bears repeating that, the quagmire stems from failure to distribute the estate of John Kitoonu Kipela Sakaja as directed by the court. The only remedy is to distribute the estate of John as per the court order; and each of the sons will get their entitlement. The estate of Raphael will also establish the property that constitutes his estate.
10. How will this be done?
11. The case file number High court at Nakuru Succession Cause No. 65 of 1987 be unfastened from this file and be assigned a new and separate number at the Kilgoris High Court Registry. Then, the estate of John Kitoonu Kipela Sakaja, be duly administered in accordance with the confirmed grant.
12. As Raphael who was the sole administrator of the estate of John Kitoonu Sakaja is deceased, parties to agree on the person or persons to be appointed the administrators of the estate of John Kitoonu Kipela Sakaja who shall accordingly administer the estate of John Kitoonu Kipela Sakaja. Which failing, the court to appoint administrator in accordance with the *law of succession Act*.
13. In this manner, all issues arising amongst the sons of John and any other claims in respect of the estate of John Kitoonu Kipela Sakaja shall be resolved.
14. Meanwhile, all proceedings in the estate of Raphael Koyiaki Sakaja are stayed to await the administration of the estate of John Kitoonu Kipela Sakaja in which the entitlement of Raphael and his estate shall be specifically identified
15. Both files be mentioned together on a date to be assigned by the DR.
16. It is so ordered.
17. Date for this ruling was given in the presence of all the parties in open court at Kilgoris.

READ AND DELIVERED AT NAROK THROUGH MICROSOFT TEAMS ONLINE APPLICATION ON THIS 17TH DAY OF DECEMBER, 2024

HON. F. GIKONYO M
JUDGE

In the presence of: -

Shira Advocate

Nyangaresi - C/A

