



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**SUCCESSION CAUSE NO.4 OF 2017**

**IN THE MATTER OF THE ESTATE OF THE LATE WILLIAM KIPROGONY KETER (DECEASED)**

**STEVEN BARRY CHEBOCHOK.....1<sup>ST</sup> OBJECTOR/APPLICANT**

**RICHARD MALAKWEN ARAP CHEBOCHOK...2<sup>ND</sup> OBJECTOR/APPLICANT**

**- V E R S U S -**

**JONATHAN KIBAIBAI ARAP ROGONY.....1<sup>ST</sup> PETITIONER/RESPONDENT**

**PHILIP KIPYEGON MASON.....2<sup>ND</sup> PETITIONER/RESPONDENT**

**ERICK KIBII ARAP ROGONY.....3<sup>RD</sup> PETITIONER/RESPONDENT**

**COURT'S DIRECTION**

1. The parties in this case entered into a consent on 5/6/2018 and subsequently the Court issued the Consent Order dated 21/6/2018 which largely settled this matter.
2. The 1<sup>st</sup> Objector/Applicant **STEVEN BARRY CHEBOCHOK (from the 4<sup>th</sup> House)** and the 2<sup>nd</sup> Objector **RICHARD MALAKWEN ARAP CHEBOCHOK (from the 1<sup>st</sup> House)** filed summons for revocation dated 24/9/2018.
3. Directions were given that the hearing of the said Summons Proceeds by way of viva voce evidence and parties were directed to file witness statements but the hearing has not taken place.
4. On 22/7/2020 this Court gave the parties a chance to have a meeting and to agree on the outstanding issues regarding the distribution of the estate.
5. This is in line with the mandate of this Court as stipulated in Article 159 of the Constitution of Kenya which includes the promotion of alternative forms of dispute resolution including reconciliation, Mediation, Arbitration and Traditional Dispute Resolution Mechanisms which do not contravene the Bills of rights or are not repugnant to Justice and morality or inconsistent with the constitution or any written law.
6. This matter was coming for mention on 16/9/2020 for further directions and on that day, minutes of the family consultative meeting held on 29/8/2020 were filed.
7. However, this Court was informed that the 1<sup>st</sup> Objector and the 4<sup>th</sup> Administrator both from the 4<sup>th</sup> House did not attend the meeting and also some beneficiaries from the 4<sup>th</sup> House were absent without apology.
8. A perusal of this file shows that the deceased herein **WILLIAM KIPROGONY KETER (Deceased)** died on 13/10/2005 and Succession Cause No.17 of 2007 was filed at Nakuru Law Courts which was later transferred to this Court and become Succession Cause No.4 of 2017.
9. I find that the record shows that the Certificate of Confirmation was issued on 23/6/2008 and rectified on 19/1/2009.
10. The Administrators of the Estate are:-

**(i) JONATHAN KIBAIBAI ARAP ROGONY**

*(ii) KIPSANG ROGONY*

*(iii) PHILIP KIPYEGON MASON and*

*(iv) ERICK KIBII ROGONY*

11. It is on record that the 5<sup>th</sup> House is represented by the 1<sup>st</sup> Administrator. It is the duty of the four Administrators to ensure that the Estate is distributed in accordance with the Law.

12. A majority of the beneficiaries and three of the Administrators attended the family meeting held on 29/8/2020 and it is not clear why the 1<sup>st</sup> Objector and 4<sup>th</sup> Administrator did not attend the meeting.

13. The Summons for Revocation dated 24/9/2018 which is pending hearing is supported by the Affidavit of the **2<sup>nd</sup> Objector RICHARD MALAKWEN ARAP CHEBOCHOK** who attended the family meeting held on 29/8/2020 to resolve outstanding issue.

14. Since the parties did not reach a settlement this court directs that the parties file their witness statements within 14 days of this date and the hearing of the summons for revocation dated 24/9/2018 proceeds by viva voce evidence as earlier directed by this court.

15. The hearing will be on 29<sup>th</sup> October 2020 at 11A.M.

**Delivered, Dated and Signed at Kericho this 2<sup>nd</sup> Day of October, 2020**

**A.N. ONGERI**

**JUDGE**