

**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. E010 OF 2021**

**IN THE MATTER OF THE ESTATE OF KIPRONO ARAP**

**MONGESOI (DECEASED)**

**CHARLES RONO ..... 1<sup>ST</sup>**

**PETITIONER**

**ELIZABETH CHEMUTAI MONGESOI ..... 2<sup>ND</sup>**

**PETITIONER**

**SELY MONGESOI ..... 3<sup>RD</sup>**

**PETITIONER**

**VS**

**ALICE CHEPKORIR SOI ..... PROTESTOR**

**RULING**

1. The Petitioners petitioned for Letters of Administration Intestate in relation to the deceased's estate. They petitioned this court in their capacities as the deceased's son, daughter and widow respectively. The deceased's estate

comprised of KERICHO/MERIGI/134, 1133, 1134, 1135, 1136, KERICHO/KONGOTIK/776 and MOLO-LEK-CHEBARA BLOCK 4/296. A Grant was issued on 15<sup>th</sup> April 2021 in the joint names of the Petitioners.

2. What is before the court is to determine a just and fair mode of distribution of the deceased's estate.

**The 1<sup>st</sup> and 2<sup>nd</sup> Petitioner's proposed mode of distribution.**

3. The 1<sup>st</sup> and 2<sup>nd</sup> Petitioners stated that the deceased died and left behind the following beneficiaries: -

**1<sup>st</sup> Household**

Alice Soi	Daughter in law
Wilfred Kipkoech Rono	Son
Elizabeth Chemutai Mongesoi	Daughter
Ludia Chepkemoi Langat	Daughter
Charles Rono	Son
Esther Keter	Daughter
Alice Soi	Daughter

Hellen Mutai	Daughter
David Rono	Son
Emily Rono	Daughter
Benjamin Soi	Son
Joseph Rono	Son
Wesley Ngeno	Grandson

**2<sup>nd</sup> Household**

Selly Mongesoi	Widow
Wilter Chebet	Daughter
Justus Maina	Son
Wesley Rono	Son
Judy Chepngeno	Daughter
Benard Rono	Son
Mercy Chemutai	Daughter

4. The 1<sup>st</sup> and 2<sup>nd</sup> Petitioners stated that the deceased's first wife passed on while the 3<sup>rd</sup> Petitioner was alive and was in occupation of KERICHO/KONGOTIK/776. That the children from the first household were currently utilizing KERICHO/MERIGI/134, 1133, 1134, 1135, 1136,

KERICHO/KONGOTIK/776 and MOLO-LEK-CHEBARA BLOCK 4/296. The 1<sup>st</sup> and 2<sup>nd</sup> Petitioners further stated that Jeremiah Rono (deceased) was a member of the first household and his share would be allocated to one of his sons, Wesley Ngeno.

5. It was the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners case that Alice Chepkorir Soi and Alice Chepkoech Soi were co-wives of their late brother, Samwel Soi and shall share their respective shares as a unit. That daughters from the first household namely Ludia Chepkemoi Langat, Esther Keter, Hellen Mutai and Emily Rono had elected to have their shares allocated to their siblings from the 1<sup>st</sup> household.

6. The 1<sup>st</sup> and 2<sup>nd</sup> Petitioner proposed the following: -

**KERICHO/MERIGI/134**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
Benjamin Soi	0.8 acres	Absolute

Elizabeth Chemutai Mongesoi	0.8 acres	Absolute
Alice Chepkoech Soi and Alice Chepkorir Soi	2.3 acres	Tea plantation (to hold in trust for the benefit of the estate of Samwel Soi (Deceased))
Joseph Rono	0.6 acres	Absolute
Wilfred Rono	5.0 acres	Absolute

**KERICHO/MERIGI/1133**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
Elizabeth Chemutai Mongesoi	5.2 acres	Absolute
Joseph Rono	5.4 acres	Absolute

**KERICHO/MERIGI/1134**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
Wesley Ngeno	3 acres	To hold in trust for the benefit of the estate of Jeremian Rono (Deceased)

**KERICHO/MERIGI/1135**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
Benjamin Soi	5.2 acres	Absolute
Wilfred Rono	1.0 acres	Absolute
Alice Chepkoech Soi and Alice Chepkorir Soi	0.7 acres	Absolute

### **KERICHO/MERIGI/1136**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
Charles Rono	6.0 acres	Absolute

7. It was the 1<sup>st</sup> and 2<sup>nd</sup> Petitioner's case that the land parcel known as MOLO-LEK-CHABARA BLOCK 4/296 comprises of a quarry and arable and for the purpose of distribution, the arable area shall be referred as section A and the quarry shall be referred to as section B.

#### **Section A of MOLO-LEK-CHABARA BLOCK 4/296**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
David Rono	7.0 acres	Absolute
Charles Rono	1.0 acres	Absolute
Elizabeth Chemutai Mongesoi	1.0 acres	Absolute
Wilfred Rono	1.0 acres	Absolute
Benjamin Soi	1.0 acres	Absolute

### Section B of MOLO-LEK-CHABARA BLOCK 4/296

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
David Rono	0.1 acres	Absolute
Charles Rono	0.1 acres	Absolute
Elizabeth Chemutai Mongesoi	0.1 acres	Absolute
Wilfred Rono	0.1 acres	Absolute
Joseph Rono	0.1 acres	Absolute
Benjamin Soi	0.1 acres	Absolute
Access Road	0.4 acres	

8. The 1<sup>st</sup> and 2<sup>nd</sup> Petitioners stated that the 2<sup>nd</sup> wife (3<sup>rd</sup> Petitioner) of the deceased was married in the year 1977 when all the properties had been acquired by the deceased and the 1<sup>st</sup> wife. That the children of the 2<sup>nd</sup> household were educated courtesy of the proceeds of the cows that were given as dowry for the daughters from the 1<sup>st</sup> household.

9. It was the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners' case that sometime in the year 1978, the 1<sup>st</sup> wife relocated to Merigi and left her house which stood in KERICHO/KONGOTIK/776 where the 2<sup>nd</sup> wife (3<sup>rd</sup> Petitioner) currently resided. That the 1<sup>st</sup> wife used the said house on several occasions when conducting her farming activities until her demise in the year 2013. It was the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners' further case that the children from the 1<sup>st</sup> household wanted to distribute KERICHO/KONGOTIK/776 equally among the two households thus: -

**KERICHO/KONGOTIK/776**

<b>BENEFICIARY</b>	<b>SHARES</b>	<b>NATURE OF TITLE DEED</b>
Selly Mongesoi	10.13 acres	To hold in trust for herself and her children in equal shares
Elizabeth Chemutai Mongesoi and Charles Rono	10.13 acres	To hold in trust for themselves and their siblings from the 1 <sup>st</sup> household.

## **Protests**

10. Alice Chepkorir Soi filed her Affidavit of Protest on 13<sup>th</sup> May 2022. She stated that the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners' proposed mode of distribution was defective and bad in law. That she was a widow to the late Samwel Kibet Soi (deceased) who was the deceased's son.

11. It was the Protestor's case that the deceased had two houses, the first house consisted of 12 units while the second house was made up of 7 units. That the deceased prior to his death had identified and distributed his estate as follows: -

### **KERICHO/MERIGI/134**

<b>BENEFICIARY</b>	<b>SHARES</b>
Wilfred Rono	5.4 acres
Alice Chepkoech Soi and Alice Chepkorir Soi	3.0 acres

**KERICHO/MERIGI/1133, 1134, 1135 and 1136**

**(subdivisions from KERICHO/MERIGI/164)**

<b>BENEFICIARY</b>	<b>SHARES</b>
Charles Rono	5.75 acres
Elizabeth Chemutai Mongesoi	2.87 acres
Joseph Rono	5.75 acres
Wesley Ngeno and Josephat Ngeno	2.87 acres
Justus Maina	3.82 acres
Benjamin Soi	5.75 acres

**MOLO-LEK-CHEBARA BLOCK 4/296**

<b>BENEFICIARY</b>	<b>SHARE</b>
David Rono	Whole share

**KERICHO/KONGOTIK/776**

To go to the 2<sup>nd</sup> household to be held by Selly Mongesoi in trust for her and her 6 children Wilter Chebet, Justus Maina, Wesley Rono, Judy Chepngeno, Benard Rono and Mercy Chemutai

12. The Protestor stated that each beneficiary has been in occupation of the parcels of land allocated to them and that the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners had always been aware of the aforementioned mode of distribution. That the 1<sup>st</sup> Petitioner helped the deceased carve out and identify each portion for each beneficiary.

13. It was the Protestor's case that the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners had sidelined her in an attempt to disinherit her, David Rono, Wilfred Rono and the entire 2<sup>nd</sup> household. That she had been in occupation of 3 acres in KERICHO/MERIGI/134 together with her co-widow for over 40 years.

14. The Protestor stated that the daughters of the 1<sup>st</sup> household ha not agreed to have their shares allocated to their siblings from the 1<sup>st</sup> household. That the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners, Wilfred Koech abd Joseph Rono had intermeddled with the deceased's estate by selling off portions of the estate to third parties. The Protestor further stated that the beneficiaries of teyh deceased's estate had developed abd cultivated their respective portions during the deceased's lifetime and the proposed mode of distribution by the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners would disrupt their occupations.

15. The 3<sup>rd</sup> Petitioner filed her Affidavit of Protest on 13<sup>th</sup> May 2022. Her proposed mode of distribution was similar to that of the Alice Chepkorir Soi (Protestor). The 3<sup>rd</sup> Petitioner further stated that all the beneficiaries had been in occupation of the parcels of land allocated to them by the deceased in his lifetime.

16. It was the 3<sup>rd</sup> Petitioner's case that each house had its matrimonial home. That the 1<sup>st</sup> household's matrimonial

home was located In KERICHO/MERIGI/164 which had now been subdivided into KERICHO/MERIGI/1133, 1134, 1135 and 1136 while her matrimonial home (2<sup>nd</sup> household) was located in KERICHO/KONGOTIK/776 where she had resided since the year 1977.

17. The 3<sup>rd</sup> Petitioner stated that the 1<sup>st</sup> house occupied 48.2 acres of the estate while the 2<sup>nd</sup> house occupied 20.26 acres. That the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners had sidelined her and the 2<sup>nd</sup> household and their proposed distribution ensured that the 1<sup>st</sup> household occupied 58.33 acres while the 2<sup>nd</sup> household would occupy 10.13 acres.

18. It was the 3<sup>rd</sup> Petitioner's case that she had peacefully existed with her co-wife and they occupied their respective portions. That the 1<sup>st</sup> and 2<sup>nd</sup> Petitioner's proposed mode of distribution would disinherit the 2<sup>nd</sup> household, Alice Soi (Protestor) and her co-wife, David Rono and Wilfred Rono off the portions they had occupied for over 40 years.

19. This court directed that these protests be heard by way of written submissions.

**The 3<sup>rd</sup> Petitioner and Protestor's written submissions**

20. Through their written submissions dated 25<sup>th</sup> June 2025, the Protestors submitted that the 3<sup>rd</sup> Petitioner was the surviving widow of the deceased and that prior to his death, the deceased had distributed his estate equally among his widows and children. That according to the 2<sup>nd</sup> Petitioner, the daughters of the first household had renounced their shares and this was corroborated by Ludia Chepkemoi Langat.

21. It was the Protestors' submission that the deceased carried out *inter vivos* distribution of his estate and the beneficiaries had peacefully occupied their respective portions. That the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners' proposed distribution disregarded the deceased's intentions and sought to benefit beneficiaries

who had already alienated their shares. It was the Protestors' further submission that the 1<sup>st</sup> Petitioner assisted the deceased in allocating the estate.

22. The Protestors submitted that the current occupation of the beneficiaries in their respective portions was not in dispute. That the 2<sup>nd</sup> Petitioner focused solely on the parcel of land occupied by the 3<sup>rd</sup> Petitioner and the 2<sup>nd</sup> household. That the claim that the 1<sup>st</sup> wife used the land was unsubstantiated and were not proved.

23. It was the Protestors' submission that the court should consider the deceased's wishes and uphold his allocation. They relied on **sections 28 and 42 of the Law of Succession Act.** It was the Protestors' further submission that the 2<sup>nd</sup> Petitioner and Joseph Rono had sold their inherited shares and their proposed mode of distribution was self-serving and against the law. They relied on **estate of**

**the late Siwanyang Ngilotochi (Deceased) (2021)  
eKLR.**

**The 1<sup>st</sup> Petitioner's submissions**

24. Through his written submissions filed in this court on 24<sup>th</sup> July 2025, the 1<sup>st</sup> Petitioner submitted that he was close to his father prior to his death and the deceased told him how his estate should be distributed. That in KERICHO/MERIGI/134, Wilfred Rono would get 4.0 acres, Alice Soi would get 3.0 acres and Joseph Rono would get 0.6 acres.
25. In regards to KERICHO/MERIGI/1133, Joseph Rono would get 6.0 acres, Wilfred Rono would get 1.0 acre, Wesley Ngeno would get 1.0 acre, Josephat Ngeno would get 1.0 acre and Vincent Kipkirui would get 1.0 acre. The 1<sup>st</sup> Petitioner further submitted that in regards to KERICHO/MERIGI/1134, Elizabeth Mongesoi would get 3.0 acres, in KERICHO/MERIGI/1135, Charles Rono would get 7.0 acres, in KERICHO/MERIGI/1136, Benjamin Soi would get 7.0 acres and

in MOLO-LEK-CHEBARA BLOCK 4/296, the deceased directed that David Rono to fully own it.

26. In regards to KERICHO/KONGOTIK/776, the 1<sup>st</sup> Petitioner submitted that the deceased allocated the whole parcel to the 2<sup>nd</sup> household and that the 1<sup>st</sup> household had no dispute about it.

### **The 2<sup>nd</sup> Petitioner's submissions**

27. Through her written submissions dated 17<sup>th</sup> July 2025, the 2<sup>nd</sup> Petitioner submitted that the 3<sup>rd</sup> Petitioner came into the deceased's life after he had acquired all the property with the 1<sup>st</sup> wife (Raeli Mongesoi). That upon the deceased's death, the late 1<sup>st</sup> wife still used KERICHO/KONGOTIK/776 for farming and that the 2<sup>nd</sup> household forcefully took over the parcel after the 1<sup>st</sup> wife's death in the year 2013.

28. It was the 2<sup>nd</sup> Petitioner's case that some properties were acquired through proceeds of dowry payment of the 1<sup>st</sup> household's daughters. That dowry was still highly regarded

under the Kipsigis cultural practices and that this court should consider it when distributing the estate. It was the 2<sup>nd</sup> Petitioner's further submission that the parcels KERICHO/MERIGI/134, 1133, 1134, 1135 and 1136 where beneficiaries of the 1<sup>st</sup> household resided were rocky, sloppy, hilly and unproductive compared to Cheboin farm

29. The 2<sup>nd</sup> Petitioner submitted that the deceased had not distributed his estate during his lifetime. That the 3<sup>rd</sup> Petitioner and the Protestor had not provided evidence that the deceased had distributed his estate *inter vivos* and had taken steps to transfer the parcels to them. They relied on **estate of the late Gedion Manthi Nzioka (Deceased) (2015) eKLR**. The 2<sup>nd</sup> Petitioner further submitted that the deceased did not demarcate any portion of his estate.

30. It was the 2<sup>nd</sup> Petitioner's submission that the Protestors/ mode of distribution was inequitable, unfair and discriminative since it allocated 3 acres to the 2<sup>nd</sup> Petitioner

on the assumption that daughters were not entitled to equal shares with their brothers. She relied on **Stephen Gitongs M'murithi vs Faith Ngira Murithi (2015) eKLR** and **Article 27 of the Constitution of Kenya**. That all children of the deceased were entitled to an equal share of the deceased's estate.

31. The 2<sup>nd</sup> Petitioner submitted that the children of Jeremiah Rono (deceased) namely Wesley Rono, Josephat Ngeno and Vincent Kipkuri were content with the 3 acres they had been allocated. The 2<sup>nd</sup> Petitioner further submitted that no portion of the deceased's estate had been sold off to third parties. That her proposed mode of distribution was not disruptive as it sought to accommodate the beneficiaries who had settled and developed their respective portions with exception to an instance where a beneficiary currently occupied more than what they were entitled. The 2<sup>nd</sup> Petitioner asked this court to adopt her proposed mode of distribution.

32. I have gone through the entire court record and considered the 1<sup>st</sup> and 2<sup>nd</sup> Petitioner's proposed mode of distribution, the Protestor and 3<sup>rd</sup> Petitioner's proposed mode of distribution, the Protestor and 3<sup>rd</sup> Petitioner's written submissions dated 25<sup>th</sup> June 2025, the 1<sup>st</sup> Petitioner's written submissions filed on 24<sup>th</sup> July 2025 and the 2<sup>nd</sup> Petitioner's written submissions dated 17<sup>th</sup> July 2025. I sieve two issues for my determination:

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- i) Whether the deceased distributed his estate prior to his death
- ii) What is the just and fair mode of distribution of the deceased's estate.

**i) Whether the deceased distributed his estate prior to his death**

33. It was the Petitioner and the 3<sup>rd</sup> Protestor's contention that the deceased had divided his estate prior to his death and settled every beneficiary on their respective parcels. It was

on this ground that they anchored their preferred mode of distribution. On the other hand, the 2<sup>nd</sup> Petitioner denied that the deceased had divided his estate prior to his death.

34. I have considered the Affidavits of the 2<sup>nd</sup> Petitioner, 3<sup>rd</sup> Petitioner and the Protestor together with their respective submissions. The Protestor and the 3<sup>rd</sup> Petitioner stated that the deceased had settled the two households in their respective parcels and the two households had lived on their respective parcels harmoniously for over 40 years. They also stated that Charles Rono (1<sup>st</sup> Petitioner) assisted the deceased in subdividing and allocating the parcels to the beneficiaries. On the other hand, as I have stated above, the 2<sup>nd</sup> Petitioner stated that the deceased did not distribute his estate in his lifetime. However, the 2<sup>nd</sup> Petitioner goes ahead and stated that children from the 1<sup>st</sup> household were settled and currently used KERICHO/MERIGI/134, 1113, 1134, 1135, 1136 and MOLO-LEK-CHEBARA BLOCK 4/296. The 2<sup>nd</sup>

Petitioner also stated that the 3<sup>rd</sup> Petitioner occupied KERICHO/KONGOTIK/776 during the deceased's lifetime.

35. I have also looked and considered the 1<sup>st</sup> Petitioner's submissions. The 1<sup>st</sup> Petitioner acknowledged the deceased had distributed his estate during his lifetime. It is instructive to note that the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Petitioner were members of the 1<sup>st</sup> household.

36. From the above chronology, it is clear to me that the deceased had settled his two households during his lifetime. I find the 2<sup>nd</sup> Petitioner to be untruthful and insincere. On one hand, she acknowledges that two households were settled in their respective parcels and on the other hand, she flatly denies the same.

37. Flowing from the above, it is my finding that the deceased had distributed his estate during his lifetime.

ii) **What is the just and fair mode of distribution of the deceased's estate.**

38. **Section 28 of the Law of Succession Act** provides: -

**In considering whether any order should be made under this Part, and if so what order, the court shall have regard to—**

- (a) the nature and amount of the deceased's property;**
- (b) any past, present or future capital or income from any source of the dependant;**
- (c) the existing and future means and needs of the dependant;**
- (d) whether the deceased had made any advancement or other gift to the dependant during his lifetime;**
- (e) the conduct of the dependant in relation to the deceased;**

**(f)the situation and circumstances of the deceased's other dependants and the beneficiaries under any will;**

**(g)the general circumstances of the case, including, so far as can be ascertained, the testator's reasons for not making provision for the dependant.**

**39. Section 42 of the Law of Succession Act provides: -**

**Where—**

**(a)an intestate has, during his lifetime or by will, paid, given or settled any property to or for the benefit of a child, grandchild or house; or**

**(b)property has been appointed or awarded to any child or grandchild under the provisions of section 26 or section 35,**

**that property shall be taken into account in determining the share of the net intestate estate finally accruing to the child, grandchild or house.**

40. Ordinarily, the law contemplates equal sharing of the deceased's estate. However, the court has discretion when distributing the free estate of the deceased and may take into account the current circumstances on the ground or as in the present case, where deceased had distributed his estate in his lifetime. In **Re Estate of S B S [2014] KEHC 5697 (KLR)**, Mabeya J. held: -

***“The other factor which I have taken into consideration is the developments undertaken by individual beneficiaries. There are those who told the Court that they have already constructed permanent homes in certain areas. In this regard, the court has tried to ensure that while trying to maintain equity, the lives of the beneficiaries are to be disrupted at the minimum.....”***

41. In **Murumba v Natili [2023] KEHC 18759 (KLR)**, the court held: -

***“.....The Court is bound to respect the wishes of the deceased on how his children share his possession after death.”***

42. Similarly, the Court of Appeal in **Margaret Wanja Elija v Peter Ngari Elijah Kimani [2013] KECA 393 (KLR)** held: -

***“.....There is nothing in the law of succession Act cap 160 laws of Kenya which authorizes a court of law to disregard a deceased person’s wishes on how his estate is to be distributed especially where the same is within the parameters permitted by the said succession Act, and it is also fair to the satisfaction of the court***

***and all or a majority of the beneficiaries of the deceased's' estate...."***

43. In the present case, the Protestor and 3<sup>rd</sup> Petitioner stated that the deceased had allocated the 2<sup>nd</sup> household the whole share of KERICHO/KONGOTIK/779 during his lifetime. This was where the 3<sup>rd</sup> Petitioner's matrimonial home was built, a fact that was confirmed by both the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners. The Protestor and 3<sup>rd</sup> Petitioner also stated that the deceased had allocated the whole share of MOLO-LEK-CHEBARA 4/296 to David Rono, a fact that was corroborated by the 1<sup>st</sup> Petitioner.

44. As I have already stated earlier in this Ruling, the 2<sup>nd</sup> Petitioner was insincere and untruthful. She acknowledged that the matrimonial home of the 2<sup>nd</sup> household was located in KERICHO/KONGOTIK/779 yet she wanted half the share. She also submitted that members of the first household occupied KERICHO/MERIGI/134, 1133, 1134, 1135 and 1136 but appeared unsatisfied because they were rocky, hilly and

sloppy. It appears to me that the 2<sup>nd</sup> Petitioner was driven by greed and malice when she came up with her proposed mode of distribution.

45. From the record, it is evident that beneficiaries of the deceased's estate had long been settled on their respective portions. In balancing the scales of justice, I am not convinced by the 2<sup>nd</sup> Petitioner's mode of distribution because I find it went against the deceased's wishes. That said, it is my finding that the Protestor's preferred mode of distribution contained in her Affidavit of Protest dated 12<sup>th</sup> May 2022 represented the deceased's wishes and I therefore uphold it.

46. In the end, I make the following orders: -

- I. The Grant dated 15<sup>th</sup> April 2021 is hereby confirmed.
- II. The deceased's estate shall be distributed in accordance to the Protestor's mode of distribution contained in her Affidavit of Protest dated 12<sup>th</sup> May 2022.

III. The Administrators of the estate shall render a proper and accurate account of the deceased's estate within three months of today's Ruling.

IV. This being a family matter, each party to bear their own costs.

**Ruling delivered, dated and signed at Bomet this 21<sup>ST</sup> Day of October, 2025.**

.....  
**HON. JULIUS K. NG'ARNG'AR**

**JUDGE**

**Ruling Delivered in the presence of;**

**Susan/Siele Court Assistant**

**1<sup>st</sup> petitioner - Absent**

**2<sup>nd</sup> Petitioner - Present**

**Mungai for 3<sup>rd</sup> Petitioner**

**No appearance for the Protestor**

ORIGINAL