



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of the Late Kipleting Lagat - Deceased) (Succession Cause  
158 of 2019) [2025] KEHC 15050 (KLR) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15050 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE 158 OF 2019  
RN NYAKUNDI, J  
OCTOBER 23, 2025**

**BETWEEN**

**ALICE JEMELI ..... APPLICANT**

**AND**

**DISMAS KIMUTAI LETING ..... ADMINISTRATOR**

**RULING**

1. Before this Court are summons for revocation or annulment of grant dated 15<sup>th</sup> September 2025 brought under Section 47, 76 of the *Law of Succession Act* Cap 160 Laws of Kenya & Rule 44 of the Probate and Administration Rules where the Applicant sought for the following orders:
  - a. Spent
  - b. That this Honourable court do have the Grant of Letters of Administration issued on 24/12/2019 and confirmed on 29/07/2015 by certificate of confirmation of grant dated 29/07/2025 issued to the respondent revoked and annulled.
  - c. That this honorable court declares the grant of letters of administration issued on 24/12/2019 and of confirmed on 29/07/2025 by certificate confirmation of grant dated 29/07/2025 issued to the respondent was obtained in error through fraud and misrepresentation of facts.
  - d. That this Honourable Court do declare that all the consequential orders, proceedings and Title Deeds obtained by virtue of the grant of letters of administration issued on 24/12/2019 and of confirmed on 29/07/2025 by certificate of confirmation of grant dated 29/07/2025 issued to the respondent are null and void.
  - e. That this Honourable court do revoke any title deeds procured through the null and void certificate of confirmation of grant dated 29/07/2025.
  - f. That costs be in the cause.



2. Which application is anchored on the following grounds:
  - a. That the respondent herein petitioned for grant of letters of administration over the Estate of Kipleting Lagat the deceased herein and obtained letters of administration issued on 30/03/2022 and went ahead to obtain the certificate of confirmation of grant dated 29/07/2015 without involving the applicant herein who is the rightful beneficiary and dependant of Kipleting Lagat being his 2<sup>nd</sup> wife.
  - b. That the Respondent together with the then Chief of Sigot Location Mr. Eliud Kipserem committed perjury by leaving applicant, who is the 2<sup>nd</sup> wife of the deceased herein, and her children out of the whole succession.
  - c. That the respondent herein petitioning for grant of letters of administration intentionally left the applicant and her children out of the distribution of the estate of Kipleting Lagat.
  - d. That the respondent filed summons for confirmation of grant dated 23/03/2023 and distributed the deceased's estate to while excluding the 2<sup>nd</sup> wife and the deceased who is the Applicant herein.
  - e. That there is need to revoke the certificate fo confirmation of grant dated 29/07/2025 and cancel any Title Deeds processed through the said grant which was obtained through fraud and misrepresentation of facts.
  - f. That the grant was obtained in total disregard of the provisions of the *law of Succession Act* and the interests of the applicant herein being a beneficiary of the deceased's estate.
  - g. That unless orders sought herein are granted this application shall be rendered nugatory and the applicant shall suffer irreparable loss which cannot be compensated otherwise.
  - h. That the application has been brought timely and in good faith.
3. That the application is supported by affidavit sworn by Alice Jemeli who deponed as follows:
  - a. That I am the 2<sup>nd</sup> wife of Kipleting Lagat the deceased herein.
  - b. That the Respondent herein petitioned for grant of letters of administration over the Estate of Kipleting Lagat the deceased herein and obtained letters of administration issued on 30/03/2022 and went ahead to obtain the certificate of confirmation of grant dated 29/07/2025 without involving me being a rightful beneficiary and dependant of Kipleting Lagat being his 2<sup>nd</sup> wife.
  - c. The Respondent together with the then Chief of Sigot Location Mr. Eliud Kpserem committed perjury by leaving me, the 2<sup>nd</sup> wife of the deceased herein and my children out of the whole succession.
  - d. That the Respondent herein while petitioning for grant of letters of administration intentionally left my children and I out of the distribution of the estate of Kipleting Lagat.
  - e. That the Respondent filed summons for confirmation of grant dated 23/03/2023 and distributed the deceased's estate to while excluding the 2<sup>nd</sup> wife of the deceased who is the applicant herein.



- f. That there is need to revoke the certificate of confirmation of grant dated 29/07/2025 and cancel any title deeds processed through the said grant which was obtained through misrepresentation of facts.
  - g. That unless orders sought herein are granted, this application shall be rendered nugatory and the applicant shall suffer irreparable loss which cannot be compensated otherwise.
  - h. That the Respondents herein obtained the said grant fraudulently without disclosing to the Honorable Court material facts in relation to the estate, especially about me, being the rightful and lawful beneficiary/dependant, having been excluded in the whole succession process of my husband's estate.
  - i. That the grant was obtained in total disregard of the provisions of the Law of Succession Act and my interests being a beneficiary of the deceased's estate.
  - j. That unless orders sought herein are granted this application shall be rendered nugatory and the applicant shall suffer irreparable loss which cannot be compensated otherwise.
  - k. That this application has been brought timely and in good faith.
4. The application is opposed vide a replying affidavit sworn by Dismas Kimutai who avers as follows:
- a. That I am the Respondent and administrator in the estate of Kipleting Lagat deceased herein.
  - b. That I petition the grant of letters of administration over the estate of Kipleting Lagat the deceased herein after all the family members involved agreed that I become the administrator in the estate of Kipleting Lagat and the letter was issued on 30/03/2022 and the grant was confirmed on 29/07/2025.
  - c. That the letter from the Chief of Sigot Location Mr. Eliud Kipserem dated 22/12/2019 categorically listed all the family members of the late Kipleting Lagat.
  - d. That I petition for the grant of letters of administration and I included all my family memers not excluding anyone both beneficiaries and non-beneficiaries, hence whatever the protestor is saying is not true and during confirmation of the grant all of the family members were present in court.
  - e. That I filed summons for confirmation of grant on 23/3/2025 and distributed the land in accordance with the family agreement and in doing so I never left out any family member, the protestor is an impostor and she is infiltrating into our family affairs.
  - f. That the protestor approached the court on 5<sup>th</sup> May 2023 to stop the confirmation of the grant and on her submission she fails to substantiate her claim that she is the second wife of the late Kipleting Lagat.
  - g. That a ruling was given in this honorable court on 20<sup>th</sup> December 2023 by Justice R. Nyakundi concerning this matter and the pronouncement was; the protestor's claim to a share of the estate of Kipleting Lagat as the second wife to the deceased is null and void.
  - h. That the Protestor intention is to waste not only or time but also our resources because she cannot prove beyond reasonable doubt that she was the second wife of the late Kipleting Lagat.
  - i. That I pray to this honorable court to uphold the certificate of confirmation of grant given and allow me continue with subdivision of the land to the mentioned beneficiaries.



## Resolution

5. Upon careful consideration of the pleadings, affidavits and submissions presented before this Court, it is evident that the application before the Court raises serious allegations of fraud, misrepresentation and concealment of material facts in the process leading to the issuance and confirmation of the grant of letters of administration in respect of the estate of the late Kipleting Lagat. The Applicant Alice Jemeli asserts that she was a lawful dependant and second wife to the deceased yet was allegedly excluded from both the petition and distribution of the estate, in contravention of the provisions of Section 51(2)(g) of the [Law of Succession Act](#) which require full disclosure of all beneficiaries and dependants.
6. On the other hand, the Respondent herein who is the Administrator maintains that due process was followed, that all known beneficiaries were duly involved and that the Applicant's claim as a second wife had previously been adjudicated and dismissed by this Court in its ruling of 20<sup>th</sup> December 2023.
7. Given the gravity of the conflicting positions and in the interest of justice and fairness, this Court deems it necessary to personally hear from all the alleged beneficiaries and dependants to ascertain the true composition of the deceased's family and the legitimacy of the claims made. Accordingly, I make the following orders: -
  - a. That this Court hereby directs that all beneficiaries, dependants and interested parties in the intestate estate of the late Kipleting Lagat shall personally appear before this Honourable Court on 10<sup>th</sup> November 2025 for further directions and clarification on the issues raised in the summons for revocation or annulment of grant.
  - b. That the Chief of Sigot Location, shall ensure proper notification and attendance of all concerned parties.
  - c. The matter shall be mentioned on the said date for confirmation of compliance and for the Court to give further orders as may be necessary in the interest of justice and equitable administration of the estate.
  - d. It is so ordered.

**GIVEN UNDER MY HAND SEAL OF THIS COURT AT ELDORET THIS 23<sup>RD</sup> OCTOBER 2025**

.....

**R. NYAKUNDI**

**JUDGE**

