



**In re Estate of Michael Rutto (Deceased) (Succession Cause 117 of 2023)
[2025] KEHC 14958 (KLR) (21 October 2025) (Directions)**

Neutral citation: [2025] KEHC 14958 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 117 OF 2023
RN NYAKUNDI, J
OCTOBER 21, 2025**

IN THE MATTER OF THE ESTATE OF THE LATE MICHAEL RUTTO (DECEASED)

BETWEEN

MAGDALENA KWAMBAI PETITIONER

AND

HELENA JEPKANGOR KPIEGO 1ST OBJECTOR

ROSE JEPTANUI RUTO 2ND OBJECTOR

MONICA CHEROTICH BOIT 3RD OBJECTOR

MARY RUTO 4TH OBJECTOR

SALOME JEPKOECH RUTO 5TH OBJECTOR

DIRECTIONS

1. This Court delivered a judgment on 21st February 2025 and the parties were directed to file their proposed models of distribution. The parties were encouraged to engage in family mediation to arrive at an amicable arrangement that respects both the rights of the deceased’s immediate family and the inheritance claims by his siblings. The said judgement stated as follows inter alia: -

“ 31. Consequently, this Court directs that the objectors and the petitioner shall, within 30 days of this judgment, present to the Court a proposed distribution model that recognizes both the widow’s rights as well as the legitimate interests of the deceased’s siblings, particularly his sisters. The parties are encouraged to engage in family mediation to arrive at an amicable arrangement that respects both the rights of the deceased’s immediate family and the inheritance claims of his siblings.



32. Should the parties fail to present an agreed-upon distribution model within the stipulated time, this Court shall exercise its discretion to determine an equitable distribution that protects the interests of all parties, with particular attention to ensuring that the deceased's sisters are not denied their rightful share of their father's inheritance merely because of their gender or the fact that the property was registered in their brother's name.
 33. The costs of these proceedings shall be borne by the estate.
2. From the reading of the record, there has been non-compliance with the said orders which were given by this Honourable Court. The parties had put forward an invitation to invoke section 59A of the Civil Procedure Act and Article 159(2)(c) of the Constitution. The mediation to come on a mode of distribution based on the ruling of this court that has not been done.
 3. In view of the foregoing, the County Commissioner of Uasin Gishu County Mr. Nyale shall convene a mediation meeting between the parties. The advocates of the High Court shall also be involved to attend a mediation on the issue of distribution. There shall be a further mention on 10th November 2025 to confirm compliance with the aforesaid orders.

GIVEN UNDER MY HAND AND SEAL OF THIS COURT AT ELDORET THIS 21ST DAY OF OCTOBER 2025

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R. NYAKUNDI

JUDGE

