



REPUBLIC OF KENYA



KENYA LAW
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**Ruto v Jepkirui & another (Family Miscellaneous Application
E004 of 2025) [2025] KEHC 15429 (KLR) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15429 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
FAMILY MISCELLANEOUS APPLICATION E004 OF 2025**

E OMINDE, J

OCTOBER 23, 2025

BETWEEN

ANNAH CHEBII RUTO APPLICANT

AND

MARY JEPKIRUI 1ST RESPONDENT

SIMION KIPRONO ARAP RUTO 2ND RESPONDENT

RULING

1. This matter was referred to mediation by the Court but the report back is that the parties have failed to agree.
2. This being the case, the Court deems it necessary and it now hereby does bring it to the attention of both Counsels representing the parties that the primary reason for which this cause was filed was proceedings under the Guardianship Act. The issue of the Guardianship of the subject was heard and resolved and the necessary orders issued. The orders issued under that primary cause are not at all contested and are therefore not in issue.
3. The issue now under active litigation is over a parcel of land which the guardian appointed sought she be allowed to dispose of to enable the family use the proceeds thereof to cater for the treatment and care of the Subject. The party represented by Counsel Mr. Sang subsequently came into the proceedings after the Court issued the guardianship orders and objected to the order seeking that the guardian be allowed to dispose of the mentioned land parcel for reasons that she has registered a caution over the said land for reasons of spousal interest, that the land is in Nandi County which is outside this Court's jurisdiction and lastly that there is another case over the same said parcel of land at the Environment and Land Court in Kapsabet.
4. For reasons that the purpose for which this cause was filed before this court is now spent, and for reasons that the pending issue is a land matter which land is also outside the jurisdiction of this Court,



Counsels are advised to consider the following and revert to Court with a way forward to enable the Court close this file:

- a. That this Court is functus officio its primary mandate.
- b. That this Court does not have the Constitutional and Statutory jurisdiction and mandate to handle this matter.
- c. That this Court does not have the requisite territorial jurisdiction and mandate to handle this matter.

5. Further mention on 05/11/2025.

READ DATED AND SIGNED AT ELDORET ON 23RD OCTOBER 2025.

E. OMINDE

JUDGE

