



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NO.580 OF 2010

IN THE MATTER OF THE ESTATE OF JOHANA RUTO MOROGO

(DECEASED)

OBADIAH KIPSANG MOROGO.....APPLICANT

-VERSUS-

JOEL KIPROTICH A. RUTO

EZEKIEL KIPKOECH MOROGO }OBJECTORS

RULING

1. This matter relates to a deceased person that died on 13th September, 1980 a period of 45 years ago.
2. All beneficiaries are now senior citizens. Of all the assets of the deceased only one asset remains undistributed.
3. The summons for confirmation of grant relates to the sole property yet to be distributed Lembus/Chemogoch/48.

4. The Petitioner proposes the same be distributed amongst 3 brothers as per the alleged wishes of the deceased.
5. The protestor contents the said wishes and argues that he was never provided for by the deceased in his lifetime that the property Kamokor/Kirwa has never belonged to the deceased and he single handedly acquired the same.
6. In consideration of the pleadings filed, this Court finds that the summons for confirmation of grant dated 8th March, 20205 is without merit.
7. It seeks to leave out the protestor on the basis of having been provided for in the deceased lifetime.
8. It seeks to exclude the family of Joel Kiprotich Rotich that has established a home for over decade on Lembus/Chemogoch/48.
9. I am thus persuaded to disallow the summons for confirmation as presented and confirm the grant with the following determination.
10. The property Lembus/Chemogoch/48 shall be distributed as follows:

- | | | |
|-------------------------------------|----------|--------------------|
| i. Joep Kiprotich Ruto | - | 10.6 acres |
| ii. Hillary Kipchumba Morogo | - | 17.3 acres |
| iii. Japheth Kabaka Morogo | - | 17.3 acres |
| iv. Edwin Kipkosgei Morogo | - | 17.3 acres |
| v. Ezekiel Kipkoech Morogo | - | 17.3 acres. |

11. I am unable to assign the share of Joel Kiprotich to his survivors in the absence of a grant of letters of administration.

12. Any party aggrieved has 45 days to appeal which period shall act as stay against execution.

13. The affidavit of protest dated 8th March, 2025 is upheld.

14. Parties shall bear their own costs.

15. Mention after 60 days. Mention on 10th February, 2026.

**Signed, Dated and Delivered at Nakuru
on this 6th Day of November, 2025**

**Mohochi S.M
JUDGE**