



In re Estate of Kukui Maget alias Kukui Maket Baraiwa (Deceased) (Civil Case 16 of 2016) [2025] KEHC 18998 (KLR) (18 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18998 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CIVIL CASE 16 OF 2016
RPV WENDOH, J
DECEMBER 18, 2025
IN THE MATTER OF THE ESTATE OF KUKUI MAGET
ALIAS KUKUI MAKET BARAIWA (DECEASED)**

IN THE MATTER OF

**MAURICE KIBET MAKET 1ST ADMINISTRATOR
JACOB SONGOL MAKET 2ND ADMINISTRATOR
PATRICK P. MAKET 3RD ADMINISTRATOR
EMMANUEL MAKET 4TH ADMINISTRATOR**

RULING

1. This ruling relates to the estate of Kukui Maget alias Kukui Maket the rectified grant herein dated 30/3/2022 had been issued to Mary Maket and Jacob Songol. On 11/7/2022 the 3rd administrator Patrick Maket applied for revocation of the rectified grant.
2. By consent of the parties, on 19/12/2024 the rectified grant issued on 30/3/2022 was revoked and (1) Maurice Kibet Maket, (2) Jacob Songol Maket, (3) Patrick P. Maket and (4) Emmanuel Maket were appointed as administrators. The said rectified certificate was revoked by consent of the parties and the court ordered a fresh one to be issued in the names of the administrators.
3. The parties did not agree on which titles contained in the rectified grant would be cancelled following the order for revocation. Patrick Maket (3rd administrator) filed the affidavit dated 25/10/2025 on cancellation of titles. He deponed that from the rectified grant, dated 30/3/2022, some parcels of land had already been transferred by transmission and that the title deed issued to Nicodemus Krop and Erick Rotich should be cancelled. They are as follows:-
 1. L.R. West Pokot/Siyoi A/4702
 2. L.R. West Pokot/Siyoi A/4703



3. L.R. West Pokot/Siyoi A/4704
 4. L.R. West Pokot/Siyoi A/4706
 5. L.R. West Pokot/Siyoi A/4707
 6. L.R. West Pokot/Siyoi A/4710
4. He urged the court to cancel the said titles so that they revert to the name of the deceased and form part of the estate to be distributed; that despite the order of revoking the rectified grant, the Land Registrar West Pokot requires a court order for cancellation of the title deeds and the same revert to the deceased's name so that he could act on them.
 5. Patrick Maket filed a further affidavit dated 29/5/2024. He deponed that he had read the affidavits of Nicodemus Krop on cancellation of titles; that L.R. West Pokot/Siyoi A/214 was subdivided by the deceased during his lifetime in 2007 and subdivided the parcel into 18 portions (PM 1a, b); that the deceased executed the transfer instruments for all the 16 parcels of land each measuring 2.5 acres to his 16 sons; that the transfer documents were in the custody of the lands office but some sons had delayed in paying the registration fees and stamp duty required for transfer into their names; that the Interested Parties took advantage and fraudulently transferred all the parcels of land which had not yet been registered in the name of his brothers; that only 6 parcels of land were transmitted to the Interested Parties as a result of the rectified grant dated 30/3/2022 which ought to be cancelled and they include L.R. West Pokot/Siyoi A/4702, A/4703, A/4704, A/4706, A/4707 and A/4710; that the Interested Parties are misleading the court to have titles of the parcels of land transferred to his brothers and him as gifts inter vivos by their late father be cancelled. He pursuant to the revoked rectified grant dated 30/3/2022 listed above.
 6. Mr. Nyamu counsel for the 1st administrator Maurice Kibet Maket informed the court that the 1st administrator associates himself with the 3rd administrator's sentiments. The 1st administrator swore an affidavit dated 21/6/2025. He deponed that West Pokot/Siyoi 'A'/153 is registered in the name of his father one Kukui Maget alias Kukui Maket; that he is not opposed to cancellation of titles named in the affidavit of Patrick Maket save that he proposed that they revert to the names of the deceased Kukui Maket. The 4th administrator also supports the position taken by the 3rd administrator on cancellation of titles.
 7. Nicodemus Krop an Interested Party, swore an affidavit on cancellation of the title deeds in which he deponed that he is a beneficiary of the estate because he was a grandchild of Cheplekee Maket, the 8th wife of the deceased; that their mother Ruth Maket was never married and was given land by the deceased; that an application for rectification of grant by Jacob Songol (2nd administrator) with the mother was made to include parcels of land which had been exchanged and were for the 8th house; that they have been in occupation of plot West Pokot/Siyoi 'A'/214 and the 8th house was entitled to parcels resulting the subdivision of West Pokot/Siyoi A/214 which are West Pokot/Siyoi 4694 to 'A'/4711; that before the rectification they did an official search and found that West Pokot/Siyoi A/4698, 4700, 4722, 4703, 4704, 4705, 4706, 4707, 4709, 4710 and 4711 were still registered in the name of the deceased; that the application for rectification of grant was allowed with all the parcels being registered in the names of Nicodemus and his brother Eric Rotich Sosion. They only managed to have plot West Pokot/Siyoi A/4702, 4703, 4704, 4706 and 4710 to their names but West Pokot/Siyoi 4698, 4702, 4705, 4708, 4700, 4705, 4708, 411 and 4709 were fraudulently obtained by other persons who had not taken out letters of administration. He found out that his uncles from other houses had obtained titles of parcels of land. The parcels of land in rectified grant for which titles were issued to others were



West Pokot/Siyoi/4698, 4700, 4705, 4708 and 47111; that following the consent orders of 19/3/2025 all titles that had been issued should be revoked and all to revert back to the deceased.

8. He urged that all titles be revoked and an inhibition order do issue inhibiting any transfer of the parcels pending hearing of this cause. In his further affidavit dated 2/7/2025 he deponed that his mother and grandmother died when he and his brother were very young and they went to live with the 7th wife Cheponyorio Maket; that a family meeting was called for by the deceased in 2000 where he shared his land leaving land meant for the 8th house intact as evidenced by minutes of 22/1/2000; that the 8th house was never disinherited and the deceased did not sign any transfers to 16 sons; that the 2.5 acres to each son was never done and that the said parcels are still in the deceased's names.
9. The interested party denied that the transfer forms were lying at the lands office awaiting payments of stamp duty and registration fees; that they did not avail any receipts as proof of payment for titles obtained on 7/3/2020 and 29/11/2024; that parcels West Pokot/Siyoi 4698, 4700, 4705, 4708, 4711 result from subdivision of West Pokot/Siyoi A/214 and belongs to the 8th house. He prays that all titles issued to him, his brother and all other beneficiaries be cancelled.
10. I have considered the affidavits of the parties in respect of which titles should be cancelled following the revocation of the rectified grant on 19/12/2024. The disputing parties do not object to the cancellation of the titles which were issued to the interested parties and are as follows:-
 1. L.R. West Pokot/Siyoi A/4702
 2. L.R. West Pokot/Siyoi A/4703PARA 3.
 1. L.R. West Pokot/Siyoi A/4704
 4. L.R. West Pokot/Siyoi A/4706
 5. L.R. West Pokot/Siyoi A/4707
 6. L.R. West Pokot/Siyoi A/4710
11. The issue at hand is whether the following parcels should be cancelled too:-
 1. West Pokot A/4698
 2. West Pokot A/4700
 3. West Pokot A/4702
 4. West Pokot A/4705
 5. West Pokot A/4708
 6. West Pokot A/4711
12. Whereas the 2nd administrator and interested parties maintain that it is some of their uncles who fraudulently had some of the parcels fraudulently registered in their names, the 1st, 3rd and 4th administrators also blames the interested parties for fraudulently having the said parcels of land registered in their names which the deceased had already given them as gifts.
13. As deponed by the Interested Party Nicodemus Krop in his further affidavit as of 15/8/2025 a search at lands office revealed that the disputed plots West Pokot/Siyoi A/4698, 4700, 4702, 4705, 4706, 4707, 4708, 4709, 4710 and 4711 were still registered in the names of the deceased. This is evidenced by the



attached certificate of search annexed. The question is, does that mean that by the time of the deceased's death in 2009, they were still part of the estate.

14. I have keenly considered the documents annexed to the further affidavit of the 3rd administrator, Patrick Maket, that is the application for consent for subdivision of land and mutation. The document is dated 28/12/2006 and registered with land office way back in 2008. As per the said application consent and mutation form, the deceased had already transferred the said parcels of land during his lifetime hence they were gifts inter vivos and they cannot be listed as part of the deceased's estate available for distribution.
15. The court does agree with the 3rd administrator that the parcels included in the application for consent and mutation form filed with the land office awaiting issuance of title should not be cancelled. They had been disposed of by the deceased and the process of transfer had commenced and it is immaterial that titles had not yet been issued. However, the titles transferred and transmitted to the interested parties and included in the rectified grant are hereby cancelled and revert back in the name of the deceased, Kukui Maget alias Kukui Maket to await distribution.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 18TH DAY OF DECEMBER, 2025

R. WENDOH

JUDGE.

Ruling delivered in the presence of:-

Mr. Nyamu for the 1st administrator – Absent

Ms Chebet for the 2nd administrator

Ms Opondo and Ms Mufutu for the 3rd administrator & 4th administrator

Juma/Hellen – Court Assistants

