



REPUBLIC OF KENYA



In re Application for Presumption of Death of Stanley Kibet Ruto (Miscellaneous Civil Application E027 of 2025) [2025] KEHC 18797 (KLR) (18 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18797 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CIVIL APPLICATION E027 OF 2025
JK SERGON, J
DECEMBER 18, 2025
THE MATTER OF AN APPLICATION FOR
PRESUMPTION OF DEATH OF STANLEY KIBET RUTO**

**IN THE MATTER OF
CHEMUTAI RUTTO APPLICANT**

RULING

1. The application coming up for determination is an ex parte notice of motion dated 14th May, 2025 seeking the following orders;
 - (i) That Stanley Kibet Ruto be and is hereby presumed dead.
 - (ii) That the Registrar of Deaths do issue a Certificate of Death in respect of the said Stanley Kibet Ruto.
 - (iii) That the cost of this application be provided for.
2. The application is supported by grounds on the face of it and an affidavit in support of the application sworn by Chemutai Rutto, the applicant herein and daughter of the subject herein Stanley Kibet Ruto.
3. She deposes that Stanley Kibet Ruto Police Constable No. 27385 has not been seen or heard of since 11th September 1992 and his whereabouts remain unknown and that all efforts to trace him and/or his whereabouts have been to no avail and that it is now more than seven (7) years since his disappearance.
4. It is also her deposition that on 25th September 2000, her grandfather wrote to the commissioner of police to enquire about her father's whereabouts but in his response, he stated that since PC Stanley Kibet was last heard on 11th September 1992 when he left Butere to Nakuru on transfer for a period of more than seven years, he can be presumed dead according to the law. She annexed "CR2" as a copy of the letter from the commissioner of police.



5. It is further her deposition that as a family, they also engaged the local administration and the law enforcement officers to assist them in tracing her father and their efforts have been futile and it is therefore in the interest of justice that the application be allowed having not heard and/or seen her father since 1992 and it is only fair and just that he be presumed death and a certificate of death be issued to that effect.
6. This court has considered the ex parte application and finds that the issue for determination is whether to issue a presumption of death.
7. The prescriptive law on the presumption of death is found at section 118A of the *Evidence Act* which provides as follows; “Where it is proved that a person has not been heard of for seven years by those who might be expected to have heard of him if he were alive, there shall be a rebuttable presumption that he is dead.”
8. This court notes that sometime in 1992 the subject went missing on the way from Butere Police Station where he was working to Nakuru Police Station while on transfer and that his whereabouts remain unknown and that all efforts to trace him and/or his whereabouts have been to no avail and that it is now more than twenty three (23) years since his disappearance to date.
9. This court has taken note of the contents of the letter from the commissioner of police read together with the chief’s letter which confirm that the subject has been missing for more than the statutory period of seven (7) years; and therefore this court is satisfied that the application is meritorious on the presumption of the death of the subject.
10. Consequently, this court makes the following finding and determination;
 - (i) The application is found to have merit and it is hereby allowed.
 - (ii) Stanley Kibet Ruto the subject shall hereby be presumed dead.
 - (iii) The Registrar of Births and Deaths do issue a Certificate of Death in respect of the said Stanley Kibet Ruto.

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

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J.K. SERGON

JUDGE

In the presence of:-

C/Assistant – Rutoh

No Appearance

