

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAROK**

**HCCCMISC. NO. E028 OF 2024**

**(CORAM: HON. CHARLES KARIUKI – J)**

**IN THE MATTER OF THE ESTATE OF THE LATE SWAKEI OLE  
LEKINAYIA (DECEASED)**

**DENNIS LEMASHON KILEYIA.....APPLICANT**  
**-VERSUS-**  
**SIMORE KILEYIA.....RESPONDENT**

**RULING**

**13/02/2026**

1. By Notice of Motion dated 16/12/2024. The Applicant seek prayers 1 and 2 namely:
  - 1) **THAT this Application be certified urgent and heard on a priority basis. Spent.**
  - 2) **THAT pending the hearing and determination of this Application, this Honorable Court be pleased to issue an order restraining the Respondent by himself, his employees, servants, agents and/or anyone claiming under or through his name to intermeddle with the deceased’s property by leasing to third parties, cultivating it, grazing cattle on it, disposing it off, transferring its title, selling it, raising structures on it dealing with the deceased’s property in any manner whatsoever.**
  - 3) **THAT this Honorable Court be pleased to order the Respondent to surrender the original identity card for the deceased to the registrar of births and deaths for purposes of processing the certificate of death for the deceased.**

**4) THAT the costs of this application be provided for and be borne by the Respondent.**

2. The application is supported by the applicant's affidavit sworn on 16/12/2024 essentially disclosing. That the subject matter LR. CISMARA/LEMEK/877 is registered in his father's names. His father and mother (parents) are deceased.
3. He seeks to preserve estate and procure Death Certificate but only which court compels the Respondent to release to him his later father's original identify card.
4. The matter was canvassed on Preliminary Objection issues on locus standi of the Appellant as court upheld the right of the Applicant to protect the subject matter. This court does not belabor on the ruling on Preliminary Objection, but it is apparent. It is the applicant who is listed with right to obtain orders sought and the Identity Card for the deceased.
5. Thus, the court makes the orders that;
  - i. **The Respondent is directed and ordered to deposit in court Identity Card of the deceased herein within 7 days. In default he shall be subjected to contempt proceedings. Prayer 2 of the pleadings is also issued accordingly.**
  - ii. **Costs to the applicant.**

**DATED AND DELIVERED AT NAROK VIA MICROSOFT TEAMS  
THIS 13<sup>TH</sup> FEBRUARY, 2026.**

.....  
**CHARLES KARIUKI**  
**JUDGE**