



REPUBLIC OF KENYA



**In re Estate of Koonyo (Deceased) (Succession Cause 14 of 2018)
[2026] KEHC 2076 (KLR) (18 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 2076 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAROK
SUCCESSION CAUSE 14 OF 2018
CM KARIUKI, J
FEBRUARY 18, 2026**

IN THE MATTER OF THE ESTATE OF JOHN KIRRINKAI KOONYO (DECEASED)

BETWEEN

**RICHARD LANET KOONYO 1ST APPLICANT
WILLIAM S. KOONYO 2ND APPLICANT
STANLEY T KOONYO 3RD APPLICANT
CHARLES S. KOONYO 4TH APPLICANT
RUTH KOONYO 5TH APPLICANT
SERAH NAIKUNI 6TH APPLICANT
CHARITY PELO 7TH APPLICANT
ROSELIN TIAMAT KASAURA 8TH APPLICANT**

AND

**SELEONE KOONYO 1ST RESPONDENT
LABAN KOONYO 2ND RESPONDENT
JANE KOONYO 3RD RESPONDENT
MOITALEL KOONYO 4TH RESPONDENT**

JUDGMENT

Background

1. The succession proceedings herein relate to the estate of the late John Kirrinkai Koonyo, who died on 25th June 2009, survived by several wives and children. Prior to his death, the deceased executed a



written will dated 21st April 2009, in which he set out the beneficiaries of his estate and listed properties he believed formed part of it. The validity of the said will, together with questions regarding the proper composition of the estate and the rights of dependants, forms the basis of the dispute presently before this court.

2. Earlier Judgment of 23rd May 2024

2. This court, in a judgment delivered on 23rd May 2024, upheld the validity of the will and confirmed that the deceased had the requisite testamentary capacity and that the document met the formal legal requirements under section 11 of the *Law of Succession Act*.
3. However, the court halted implementation of the will because a number of dilemmas emerged from the evidence, which required clarification. These included:
 - i. Proof of ownership of certain properties listed in the will.
 - ii. General descriptions of properties requiring specific identification.
 - iii. Testamentary disposition of firearms without reference to applicable law.
 - iv. Complex ownership issues relating to Plot No. CIS Mara/Narok Township/66.
 - v. Properties such as CIS Mara/Olchoro/655 not transmitted under the will; and
 - vi. Exclusion of the daughters of the deceased on discriminatory grounds.
4. The court therefore directed the Land Registrar to shed light on ownership of the estate properties and invited parties to address the question of reasonable provision for the daughters under section 26 of the *Law of Succession Act*.

3. Clarification by the Land Registrar

5. Pursuant to those directions, the Land Registrar, Mr. Kennedy Too, attended court and produced two reports dated 29th June 2021 and 14th July 2023 covering properties associated with the deceased. From those reports, the estate was clarified to comprise 16 parcels, although some had been transferred to third parties.
6. Of particular concern was Plot No. 66, Narok Township, which the registrar traced as follows:
 - i. The lease was originally registered to the deceased on 24th January 1972 for a term of 33 years from 1st January 1970.
 - ii. That lease expired on 1st January 2003, during the lifetime of the deceased.
 - iii. No evidence was produced to show that the deceased applied for its renewal.
 - iv. Instead, a new lease was issued by the County Government in the names of Laban Longisa Koonyo and Jane Nkaayio Koonyo for 66 years from 1st January 2003, registered on 22nd March 2021, and subsequently transferred to third parties not before this court.

4. Analysis And Determination

7. From the pleadings, evidence, earlier judgment, and clarifications by the Land Registrar, the following issues arise for determination:
 1. Whether the will dated 21st April 2009 is valid and enforceable.



2. What properties form part of the free estate of the deceased available for distribution under the *Law of Succession Act*, including:
 - a. Whether Plot No. 66, Narok Township, forms part of the estate.
 - b. Whether the parcels listed in the will but not verified by ownership records should be included.
 - c. How to treat properties not disposed of by the will, such as CIS Mara/Olchoro/655.
 - I. Whether the exclusion of the deceased's daughters from the will is lawful or discriminatory, and if they are entitled to reasonable provision under section 26 of the *Law of Succession Act*.
 - II. How firearms listed in the will should be handled in light of the *Firearms Act*.
 - III. What final orders should issue on confirmation of the grant and distribution of the estate.

5. Finding on Plot No. 66, Narok Township

8. On this evidence, the court finds that Plot No. 66, Narok Township, was not part of the free property of the deceased as at the date of his death within the meaning of section 3 of the *Law of Succession Act*. The lease in his favour had lapsed, the property reverted to the government, and subsequent leases and transfers were effected in the names of other parties.
9. This court, sitting as a probate court, cannot invalidate those transactions nor adjudicate proprietary rights of third parties who are not before it. Accordingly, Plot No. 66 does not form part of the deceased's estate available for distribution in this succession cause.

6. Status of Other Properties

10. The registrar's evidence further clarified ownership of several other parcels, allowing this court to distinguish between property properly belonging to the estate and that which does not.
11. Properties confirmed as forming part of the estate shall be distributed in accordance with the will.
12. Properties listed in the will, but lacking proof of ownership, shall be verified within 60 days, failing which they shall be excluded from the estate schedule.
13. Properties not disposed of by the will, such as CIS Mara/Olchoro/655, shall be treated as intestate property and distributed under the *Law of Succession Act*.

7. Provision for the daughters

14. With respect to the daughters of the deceased, this court reiterates its earlier finding that their exclusion from inheritance on grounds of being married or by reason of customary practices is discriminatory, unconstitutional, and inconsistent with both national law and international obligations.
15. The daughters who applied — namely, Serah Naikumi, Everlyne Timanoi Koonyo, Eunice Tosiari Koonyo, Charity Pelo, and Roseline Yiamat Kasura — are entitled to reasonable provision from the estate as dependants under section 29 of the *Law of Succession Act*.
16. The actual distribution, including provision for the daughters, cannot be undertaken until the estate schedule is finalized upon reconciliation of properties.



Firearms

On the issue of firearms mentioned in the will, the court reiterates that the law governing firearms must be complied with. Transmission of such items can only proceed in accordance with the provisions of the *Firearms Act*. When a firearm licensee dies in Kenya, the firearm must immediately be treated as part of the deceased's estate and managed according to the *Firearms Act* (Cap 114) to prevent illegal possession. The family or legal representative of the deceased is required to surrender the firearm to the nearest police station or the Nairobi-based firearms bureau.

Here is the step-by-step process of what happens:

1. Immediate Action

Inform Authorities: The family should inform the police immediately regarding the death of the license holder.
Surrender for Safe Custody: The firearm and ammunition must be handed over to the police to be kept in the Firearms Bureau at the Industrial Area in Nairobi.
Document Surrender: Ensure you receive a receipt from the authorities showing that the weapon has been deposited.

2. Handling the Firearm (As Estate Property)

The firearm remains property of the deceased's estate, but it cannot be used or possessed by anyone without a valid license.

Options for Disposal: The executor or administrator of the estate can opt to: **Sell/Transfer:** Sell the firearm to a registered firearms dealer or another authorized licensed holder.

3. Inheritance:

If a family member or beneficiary wants to inherit the firearm, they must undergo the full, rigorous application process to be vetted and licensed by the Firearms Licensing Board (FLB).

4. Requirements for New Possession (Inheritance)-If a family member applies to take over the firearm, they must:

File for legal guardianship of the estate (if necessary). Obtain a certificate of good conduct from the Directorate of Criminal Investigations (DCI). Fill in the required application forms from the Central Firearms Bureau. Undergo vetting by the Firearms Licensing Board (FLB) and the National Intelligence Service (NIS). Get approval from the Inspector General of Police.

17. Failure to surrender the weapon and letting it remain in the possession of an unlicensed person is illegal and can lead to criminal charges under the *Firearms Act*.
18. Final Orders
19. In the result, this court makes the following orders:
 - i. The will dated 21st April 2009 is valid and shall, subject to these directions, govern the distribution of the estate.
 - ii. Plot No. 66, Narok Township, does not form part of the deceased's estate.



- iii. Properties confirmed by the Land Registrar as forming part of the estate shall be distributed in accordance with the will.
- iv. Properties listed without proof of ownership shall be verified within 60 days, failing which they shall be excluded.
- v. Properties not disposed of by the will, such as CIS Mara/Olchoro/655, shall be distributed as intestate property.
- vi. Reasonable provision shall be made for the daughters named herein, to be factored into the distribution exercise after final confirmation of estate property.
- vii. Transmission of firearms shall be undertaken strictly in accordance with the [Firearms Act](#).
- viii. Parties shall file proposals on distribution of the estate in line with these findings within ninety (90) days.
- ix. Parties to bear their own costs, this being family matter.

20. It is so ordered.

DATED, SIGNED, AND DELIVERED AT NAROK THROUGH TEAMS APPLICATION, THIS 18TH DAY OF FEBRUARY, 2026.

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CHARLES KARIUKI

JUDGE

