

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

SUCCESSION CAUSE NO. 305 OF 2015

**IN THE MATTER OF THE ESTATE OF MARY TAPLELEI KILEL
ALIAS TAPLELEI W/O KILEL (DECEASED)**

FRANCIS

CHEPKWONY.....1STADMINISTRATOR/APPLICANT

WINNIE CHEPKIRUI

**CHEPKWONY.....2ND
ADMINISTRATOR/APPLICANT**

VERSUS

WILLY

CHERUIYOLANGAT.....ADMINISTRATOR/RESPONDENT

RULING

1. Before this Court for determination is a Chamber Summons application dated 13th November 2025, filed by **FRANCIS CHEPKWONY** and **WINNIE CHEPKIRUI CHEPKWONY** (hereinafter “the Applicants”). The application is brought under Section 47 and 83(g), (h) & (i) of the Law of Succession Act, and Rules 49 and 73 of the Probate and Administration Rules.

2. The Applicants seek orders to compel the completion of the administration of the estate of the late **MARY TAPLELEI KILEL** (Deceased), nearly a decade after the cause was instituted. The primary grievance is the alleged refusal by the co-administrator, **WILLY CHERUIYOT A LANGAT** (hereinafter “the Respondent”), to execute the necessary documents to facilitate the transfer of

assets to the beneficiaries as outlined in the Rectified Certificate of Confirmation of Grant issued on 20th March 2024.

3. The application is supported by the annexed affidavit of Francis Chepkwony, sworn on 13th November 2025, and the grounds on the face of the application.

4. The Applicants state that this succession cause was highly contested. However, the Court, in its judgment delivered on 25th March 2022, settled the disputes regarding the beneficiaries of the estate. The Court determined that the estate should be shared equally among four individuals: (1) Esther Cherotich Kisiara, (2) Francis Chepkony (1st Applicant herein), (3) Charles Chepkwony, and (4) Beatrice Chelangat. A copy of the judgment is annexed as “FC-1”.

5. Following the judgment, a Certificate of Confirmation of Grant was issued on 18th May 2023. Subsequently, a Rectified Certificate of Confirmation of Grant was issued by the Court on 20th March 2024. A copy of this rectified grant is annexed as “FC-2”.

6. The Applicants aver that, with the assistance of court-ordered security, the survey of the two estate properties—L.R NO. KERICHO/RORET/777 and L.R NO. KERICHO/SORGET/SORGET BLOCK 3 (BENDITAI)/153—was successfully conducted, and beneficiaries have taken possession of their respective shares.

7. The crux of the application is that the process has stalled at the final stage. The Applicants aver that the Respondent has flatly refused to sign the Land Control Board application forms and

other necessary transfer/transmission documents. They describe this refusal as a continuation of the frustration previously caused by the Respondent's mother, Esther Cherotich Kisiara (the 1st Petitioner in the original judgment), during her lifetime. Despite several requests, the Respondent has been uncooperative.

8. The Applicants contend that this delay is prejudicial to the other beneficiaries, leaving the estate in limbo and violating the timelines set out in the Law of Succession Act. They believe it is in the best interests of justice for the Court to intervene to ensure the finalization of the matter.

9. I have carefully considered the Chamber Summons dated 13th November 2025, the Supporting Affidavit of Francis Chepkwony, and the annextures thereto. The application is unopposed, as there is no replying affidavit on record from the Respondent.

10. The primary issue for determination is whether this Court should invoke its authority to enforce its orders by facilitating the transmission of assets where a co-administrator is recalcitrant.

11. The history of this matter is long and contentious, but it was effectively concluded by the judgment of 25th March 2022. The Court identified the beneficiaries and ordered how the estate should be distributed. This decision was affirmed by the subsequent issuance of a grant of representation and a rectified certificate of confirmation. The legal process of distributing the estate must now be brought to a close.

12. Section 83 of the Law of Succession Act imposes a duty on personal representatives to complete the administration of the estate. In particular, Section 83(g) and (h) mandate them to, within six months of confirmation, complete the administration and to produce to the court a full and accurate account of their administration. The Respondent's refusal to sign the necessary documents is a direct contravention of this statutory duty and an act that frustrates the court's orders.

13. Section 47 of the Law of Succession Act vests this court with the jurisdiction to entertain any application and to make such orders as it may deem necessary to ensure the fair and efficient administration of an estate. Further, Rule 73 of the Probate and Administration Rules reserves the court's inherent power to make such orders as may be necessary for the ends of justice.

14. The court cannot allow its lawful orders, to be rendered nugatory by the inaction or willful refusal of one administrator. To do so would be to defeat the very purpose of the succession process, which is to ensure the orderly and timely transmission of a deceased person's assets to their lawful heirs.

15. The orders sought by the Applicants are standard and appropriate in such circumstances. Where an administrator refuses to sign forms to facilitate a transfer, the court has the power to step in and have an officer of the court execute those documents on their behalf. Similarly, to require the Respondent's personal documents at this stage, when he has clearly

demonstrated an unwillingness to cooperate, would create another unnecessary hurdle. The registration process should be allowed to proceed based on the court's orders.

16. The Applicants have demonstrated that they have taken all necessary steps to comply with the court's directives, including the survey of the properties. The only remaining obstacle is the Respondent's conduct. The application is meritorious and brought in good faith to achieve finality.

17. Consequently, I find that the Chamber Summons dated 13th November 2025 is hereby allowed in the following terms;

a) THAT the Deputy Registrar of the High Court of Kenya at Kericho is hereby authorized to sign all relevant Land Control Board application forms and all necessary transfer or transmission forms in place of the Respondent, WILLY CHERUIYOT A LANGAT, for the effective transfer and vesting of shares upon the beneficiaries in accordance with the Rectified Certificate of Confirmation of Grant issued and dated the 20th of March 2024.

b) THAT all documents executed by the Deputy Registrar of this Honourable Court shall be deemed as sufficient instruments for the transfer and transmission of the shares of the beneficiaries as per the said Certificate of Confirmation of Grant.

c) THAT the Land Registrar, Kericho County, is hereby directed to dispense with the production of copies of national identity cards, KRA PIN certificates, and passport-size photographs of the Respondent for the purposes of effecting the transfer and transmission of the shares of the beneficiaries as per the Certificate of Confirmation of Grant. 5. THAT the costs of this application shall be borne by the Respondent.

Dated, signed and delivered at Kericho this 10th day of March, 2026.

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**J. K. SERGON
JUDGE**

In the Presence of:-

C/Assistant - Rutoh

Miss Chepkorir holding brief for Kirui for 2nd & 3rd Petitioner

No Appearance for the Respondent