

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
SUCCESSION CAUSE NO.311 OF 2007

IN THE MATTER OF THE ESTATE OF THE LATE KIBET ARAP
KIRUI alias KIPBET KIRUI (DECEASED)

SILVESTER MARITIM KIRUI.....1ST PROTESTOR
FRANCIS KIPKORIR BETT2ND PROTESTOR
JANE LANGAT.....3RD PROTESTOR

- V E R S U S -

SILVESTER MARITIM KIRUI 1ST
PETITIONER

HILLARY KIPKORIR TIROP.....2ND
PETITIONER

EDWIN CHERUIYOT KIRUI alias

EDWIN CHERUIYOT CHEPKWONY.....3RD
PETITIONER

RULING

1. **Hillary Korir Tirop**, the applicant herein took out the motion dated 28th July, 2025 whereof he sought for an order directing the Officer Commanding Nyagacho Police Station to render security to the Kericho County Surveyor and the Land Registrar, Kericho County while visiting **L.R. No.**

Kericho/Kichimchim/230 for purposes of demarcation and subdivision in accordance with the Certificate of Confirmation of Grant dated 4/12/2024.

2. The Applicant filed an Affidavit he swore in support of the application. **Sylvester Maritim Kirui**, the 1st Petitioner filed a Replying Affidavit to oppose the Application
3. It is the averment of the applicant that he has found it impossible to act in compliance with the Certificate of Confirmation of Grant issued to him as the Land Registrar and Surveyor, Kericho for fear of being assaulted and or harmed while performing their lawful duties declined to visit the property unless they are provided with security.
4. The 1st Petitioner averred in the Replying Affidavit that the Certificate of Confirmation of Grant has not been presented to the Kericho County Land Registrar with a view to registering the duly executed succession transmission forms.

5. He further deponed that neither the Land Registrar nor the County Surveyor has informed him of their intention to visit the land.
6. He also averred that **Hillary Korir Tirop** is unknown to him therefore he is a stranger to him. He claimed that the Applicant is malicious as his intention is aimed at causing tension and disharmony in the deceased's family.
7. Having considered the rival averments and arguments, it is apparent that the 1st Petitioner has not controverted the Applicant's assertion that the Land Registrar and the Surveyor have expressed their concerns of being harmed if they visited the estate land L.R. Kericho/Kipchimchim/230 to carry out survey and demarcation work on the Estate land without security.
8. In any case, the 1st Petitioner has not shown the prejudice he would suffer if the Land Surveyor and the Land Registrar are

provided with security while on the Estate land to perform their duties of demarcation and subdivision.

9. I am satisfied the application was genuinely made to facilitate the implementation of the Certificate of Confirmation of Grant.

10. Consequently, the Notice of Motion dated 28th July, 2025 is allowed as prayed. This being a family matter, a fair order on costs is that each party should meet their own costs.

Delivered, signed and dated at Kericho this 19th day of February, 2026

.....
J.K. SERGON
JUDGE

In the presence of:-

C/Assistant - Rutoh

No Appearance

