



**In re Estate of the Late Arap Mutai (Deceased) (Succession Cause  
28 of 2013) [2026] KEHC 2426 (KLR) (19 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2426 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
SUCCESSION CAUSE 28 OF 2013  
JK SERGON, J  
FEBRUARY 19, 2026**

**IN THE MATTER OF THE ESTATE OF THE LATE LELEI ARAP MUTAI (DECEASED)**

**BETWEEN**

**DAVID TANUI LELEI ..... APPLICANT**

**AND**

**ESTHER CHELANGAT MUTAI ..... 1<sup>ST</sup> RESPONDENT**

**HAMILTAN KIPKOECH TANUI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. On 5<sup>th</sup> December, 2024, this Court made an Order to have one Mike Kiprono Bosuben substitute Esther Chelangat Mutai, the 1<sup>st</sup> Petitioner herein. Esther Chelangat Mutai had passed on prompting the other Petitioners to file the Application dated 13/2/2024 to substitute the 1<sup>st</sup> Petitioner.
2. Mr. Keter, Learned Advocate for the Petitioner has urged this Court to give directions on the way forward in this cause.
3. At the time of the death of the 1<sup>st</sup> Petitioner, a partial mediation settlement agreement had been recorded and adopted as the decision of the Court. On 22/6/2022, the Court identified the following issues as outstanding:-
  - i. The Litein Property
  - ii. The Kablaba Property and
  - iii. The house belonging to Esther Chelangat Mutai which had been destroyed.
4. The Court further directed that the aforesaid issues be resolved by oral evidence. Parties were directed to file witness statements together with list of documents.



5. It would appear parties have filed their witness statements. However, in view of the fact that the 1<sup>st</sup> Petitioner namely: Esther Chelangat Mutai passed on, it is only fair to grant the party who substituted her as the 1<sup>st</sup> Petitioner an opportunity to file if need be fresh witness statements.
6. Consequently, he is granted 14 days to file and serve written witness statements plus a list and bundle of documents. This cause to be mention on 21/4/2026 to confirm compliance and to fix a hearing date.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 19<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**J. K. SERGON**

**JUDGE**

In the Presence of:-

C/Assistant – Rutoh

Keter for the Petitioner

No Appearance for the Objector

