



REPUBLIC OF KENYA



In re Estate of the Late Taplule w/o Teituk (Deceased) (Succession Cause 143 of 2014) [2026] KEHC 2425 (KLR) (19 February 2026) (Ruling)

Neutral citation: [2026] KEHC 2425 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE 143 OF 2014
JK SERGON, J
FEBRUARY 19, 2026**

IN THE MATTER OF THE ESTATE OF THE LATE TAPLULE W/O TEITUK (DECEASED)

BETWEEN

EVALINE CHEMUTAI LANGAT APPLICANT

AND

REUBEN KIPKIRUI LANGAT 1ST RESPONDENT

ESTHER CHERUIYOT LANGAT 2ND RESPONDENT

RULING

1. The Applicant, Evaline Chemutai Langat, moved this Court by way of Chamber Summons dated 29th July 2025 under Section 47 of the *Law of Succession Act*, Cap 160 Laws of Kenya, and Rules 49 and 73 of the *Probate and Administration Rules*. She seeks the following orders;
 - a. Spent.
 - b. That this Honourable Court be pleased to issue orders directing the Deputy Registrar at Kericho Law Courts to execute the transfer documents in favour of the Beneficiaries of the estate of the above named in respect to parcel of land known as Kericho/litein/489 on behalf of the Respondents.
 - c. That this Honourable Court be pleased to issue orders directing the County Surveyor – Kericho County, to visit, survey, and demarcate land parcel Kericho/litein/489 as listed in the confirmed grant dated 8th February 2024, in accordance with the shares indicated in the confirmed grant.
 - d. That the Officer Commanding Station (OCS), Litein Police Station, be directed to provide security and maintain law and order during the said demarcation exercise.



- e. That Costs of this application be in cause.
2. The application is supported by her affidavit wherein she avers that despite the confirmation of grant, the Respondents have declined to cooperate in signing transmission forms, thereby frustrating implementation of the grant. She contends that the orders sought are necessary to give effect to the confirmed grant and to ensure peaceful distribution of the estate.
 3. The 1st Respondent, Reuben Kipkirui Langat, filed a Replying Affidavit dated 7th October 2025 opposing the application. He asserts that an appeal has been lodged in the Court of Appeal at Nakuru (COACA/E044/2025) challenging the confirmation of grant. He further argues that the distribution was unequal and contrary to Section 38 of the Law of Succession Act, and that the High Court exceeded its jurisdiction by delving into land disputes reserved for the Environment and Land Court under Article 162(2)(b) of the Constitution.
 4. On the question of whether the application is premature in light of the pending appeal, it is settled law that the mere filing of an appeal does not operate as a stay of execution. This principle was affirmed in Butt v Rent Restriction Tribunal [1982] KLR 417, where the Court of Appeal held that unless a stay is formally sought and granted, the decision appealed against remains enforceable. In the present case, no stay order has been exhibited. Accordingly, the confirmed grant remains valid and binding until set aside.
 5. On whether this Court should enforce the confirmed grant dated 8th February 2024, the Respondent's contention that the distribution was unequal and contrary to Section 38 of the Law of Succession Act is a matter properly before the Court of Appeal. This Court, having confirmed the grant, is functus officio on the merits of distribution. As stated in Telkom Kenya Limited v John Ochanda [2014] eKLR, once a court has pronounced itself on a matter, it cannot revisit the merits except as provided by law.
 6. In Re Estate of Raphael Charles Makokha (Deceased) 2024 KEHC 12277 (KLR), the court reiterated that succession courts have jurisdiction to oversee distribution of estate property, including directing survey and subdivision, provided it is pursuant to a confirmed grant.
 7. On whether the orders sought are necessary to give effect to the grant, Rule 73 of the Probate and Administration Rules empowers the court to issue such orders as may be necessary for the ends of justice or to prevent abuse of process. The Applicant has demonstrated that the Respondents' refusal to cooperate has stalled implementation of the grant. In Adome v Ogutu 2024 KEHC 7682 (KLR), the High Court emphasized that succession courts must ensure confirmed grants are implemented and may authorize execution by the Deputy Registrar where parties obstruct justice. Similarly, in Manyasa v Sara 2024 KEHC 10584 (KLR), the court underscored that administrators must act fairly and diligently in distributing estates, and courts may intervene to prevent inequitable obstruction.
 8. Consequently, the Summons dated 29/7/2025 is found to be meritorious. It is allowed giving rise to issuance of the following Orders:-
 - a. That the Deputy Registrar, Kericho High Court, is authorized to execute all necessary transfer documents in respect of Kericho/litein/489 to give effect to the confirmed grant dated 8th February 2024 in place of Reuben Kipkirui Langat.
 - b. That the County Surveyor, Kericho County, shall proceed to survey and demarcate the parcel in accordance with the confirmed grant.
 - c. That with OCS Litein Police Station is directed to provide security and maintain law and order during the demarcation and survey exercise.



d. That this being a family matter, each party to bear their own costs.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 19TH DAY OF FEBRUARY, 2026.

J. K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Kipkorir holding brief for Kiplangat for the Applicant

No Appearance for the Respondent

