

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BOMET
SUCCESSION CAUSE NO. E020 OF 2021
IN THE MATTER OF THE ESTATE OF KIPLANGAT ARAP
MOSONIK (DECEASED)

RAELI CHEPKEMOI ROTUK.....APPLICANT/BENEFICIARY

VERSUS

LESEBETH CHEPKOSKEI ROTUK.....1ST PETITIONER

JULIUS ROTUK.....2ND PETITIONER

RULING

This is a Ruling to the Application dated **9th July, 2025**. The pending prayers are:-

1. That the Letters of Administration confirmed and rectified on **1st April, 2025** be revoked and annulled.
2. That the mediation agreement dated **6th July, 2023** be set aside.
3. The court be pleased to issue such orders or directions as it deems fit and just to grant.
4. Costs of the application be provided for.

It is based on the grounds in support of the application and the affidavit in support. The grounds majorly are:-

- (i) **The grant was obtained fraudulently by concealment of material facts.**

- (ii) The mediation agreement of 6th July, 2023 was obtained by way of undue influence and without full knowledge and consent of the application.**
- (iii) The proceedings to obtain the grant were defective in subsistence.**
- (iv) It is in the interest of justice to allow the application.**

The respondent filed a response to the application vide the replying affidavits sworn by **Julius Rotuk** on **21st July, 2025**.

In the reply the respondents contends: -

- (i) That all the dependants/beneficiaries agreed on all the issues during the mediation settlement agreement filed in court on 14th March, 2025.**
- (ii) The mediation settlement agreement was adopted in the presence of all the parties.**
- (iii) The issues of fraud or otherwise has never been raised by the applicant.**

(iv) There is no tangible evidence to support the grounds raised.

(v) This application ought to be dismissed.

There are basically two issues to consider in this matter.

(i) Whether the grant was fraudulently obtained.

(ii) Whether the mediation settlement agreement can be set aside.

It is clear that from the record, this matter proceeded with full participation of the applicant. No evidence of fraud has been tendered. No evidence of concealment is tendered.

As to the mediation settlement agreement I find no single fact trying to vitiate it.

I find no reason or ground to interfere with the earlier position herein.

Flowing from the above, the application herein dated **9th July, 2025** lacks merit. The application is dismissed with costs.

Ruling delivered, dated and signed at Bomet this 19th day of March, 2026.

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HON. JULIUS K. NG'ARNG'AR
JUDGE

Ruling delivered in the presence of:

Siele/Susan (Court Assistants)

N/A for the Applicant

Kenduiywo for the 1st and 2nd Petitioners