

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
SUCCESSION CAUSE NO. 30 OF 2016

**IN THE MATTER OF THE ESTATE OF DAVID KIPLANGAT
ALIAS DAVID KOSKEY (DECEASED)**

**CHRISTINE CHEPKIRUI
MOSONIK.....APPLICANT**

VERSUS

**GRACE CHEBET KOSKE.....1st
PETITIONER/RESPONDENT**

**FREDRICK KIPKOECH LANGAT...2nd
PETITIONER/RESPONDENT**

**VINCENT LANGAT.....3rd
PETITIONER/RESPONDENT**

**KENNETH CHERUIYOT LANGAT..4TH
PETITIONER/RESPONDENT**

RULING

1. Before this Court is a Summons for Revocation of Grant dated 23rd September, 2024, filed by the Applicant, **Christine Chepkirui Mosonik**. The Application is brought under Section 47 of the Law of Succession Act and Rules 44, 73 and 76(d)(ii) of the Probate and Administration Rules.

2. The Applicant seeks the following substantive orders:

a) That the Grant of Letters of Administration made to the Respondents on 22nd June, 2016, and confirmed on 31st July, 2023, be revoked.

b) That a fresh Grant do issue in the joint names of the Respondents and the Applicant.

c) That the fresh Grant be subsequently confirmed notwithstanding that six months shall not have lapsed as per the terms proposed by the applicant.

3. The Application is supported by the Affidavit of the Applicant sworn on even date, and her written submissions dated 20th August, 2025.

4. The Respondents opposed the Application by way of a Notice of Preliminary Objection dated 16th July, 2025. This Court delivered its ruling on the Preliminary Objection on 18th December 2025, and this court now proceeds to determine the merits of the revocation Application.

5. The deceased, David Kiplangat alias David Koskey, died intestate.

6. On 22nd June, 2016, a Grant of Letters of Administration was issued to the four Respondents: Grace Chebet Koske (the first wife and co-wife to the Applicant), and her three sons—Fredrick Kipkoech Langat, Vincent Langat, and Kenneth Cheruiyot Langat.

7. On 19th July, 2018, this Court delivered a ruling ordering that the Applicant, Christine Chepkirui Mosonik (the second wife), be enjoined as a co-administrator of the estate. The Applicant avers, and the Respondents have not contested, that this order was never implemented.

8. On 31st July, 2023, the Grant was confirmed, and a Certificate of Confirmation of Grant was issued. The Applicant's name was not included as an administrator despite the 2018 court order.

9. The Applicant now alleges that;

· ***The Respondents have failed to proceed diligently with the administration of the estate.***

· ***The Respondents have failed to produce any inventory or account of administration as required under Section 83(e) and (g) of the Law of Succession Act.***

· ***The Respondents are completely hostile to her and have refused to recognize her and her children.***

· ***Her children and she continue to suffer irreparable prejudice, being deprived of their rightful inheritance.***

10. The sole issue for determination is whether the Applicant has established grounds for revocation of the Grant under Section 76(d) of the Law of Succession Act.

11. Section 76(d) of the Law of Succession Act (Cap 160) provides as follows:

“A grant of representation, whether or not confirmed, may at any time be revoked or annulled if the court decides, either on application by any interested party or of its own motion—... (d) that the person to whom the grant was made has failed, after due notice and without reasonable cause, either to apply for confirmation of the

grant within one year of the date thereof, or to proceed diligently with the administration of the estate, or to produce to the court, within the time prescribed, any such inventory or account of administration as is required by the provisions of paragraphs (e) and (g) of section 83.”

12. Section 83(e) and (g) of the Act imposes a mandatory duty upon administrators;

(e) To provide, within six months of the grant, a full and accurate inventory of the assets and liabilities of the deceased.

(g) To complete the administration of the estate within six months from the date of confirmation of the grant, and thereafter to produce to the court a full and accurate account of the completed administration.

13. The Court of Appeal in **Matheka and Another v Matheka [2005] 2 KLR 455** affirmed that failure to comply with these duties constitutes sufficient ground for revocation of a grant.

14. In **re Estate of Mwaura Makuro (Deceased) [2021] eKLR**, the court stated;

“The production of accounts is a key component of the administration process of a deceased person's estate. From the moment a grant is issued to a personal representative of a deceased person, the grant holder becomes responsible to the Court in the carrying out of the

duties of administrator. Accounts are an accountability tool that will tell the Court whether the administrator has been faithful to the role entrusted to him or her.”

15. The Grant was confirmed on 31st July, 2023. More than two years have now elapsed since confirmation.

16. The Respondents have placed no evidence before this Court to demonstrate that they have:

- ***Filed any inventory of the assets of the deceased as required***

under Section 83(e).

- ***Taken any meaningful steps towards distribution of the estate.***

- ***Rendered any account of their administration as required***

under Section 83(g).

- ***Complied with this Court’s order of 19th July, 2018, enjoining***

the Applicant as a co-administrator.

17. The Respondents have not filed any replying affidavit to contest the Applicant’s assertions. The only opposition they mounted was the Preliminary Objection on *functus officio*, which has since been determined. On the merits of the revocation, the Respondents are effectively silent.

18. The Applicant has sworn on oath that the Respondents are hostile to her and have excluded her and her children from the estate. This allegation stands uncontroverted.

19. This Court takes judicial notice of the fact that the administration of an estate is a fiduciary duty. Administrators are trustees for the beneficiaries. Where, as here, administrators fail to account, fail to distribute, and fail to comply with court orders, they forfeit their right to continue as administrators.

20. The Applicant prays for the revocation of the Grant. However, this Court must exercise its discretion judiciously. Revocation would nullify the confirmation and cause further delay. The Court on its own motion may also revoke a grant under Section 76 of the Law of Succession.

21. This Court in 2018, court issued an order that the Applicant be enjoined as a co-administrator but has never implemented. That order remains binding. The hostility exhibited by the three sons of the first house, **Fredrick Kipkoech Langat, Vincent Langat, and Kenneth Cheruiyot Langat** makes their continued tenure as administrators untenable.

22. This Court finds the summons for revocation of grant to be meritorious. The same is allowed giving rise to issuance of the following Orders:-

(i) The Grant of Letters of Administration made to the Respondents on 22/6/2016 and confirmed on 31st July, 2023 is revoked.

(ii) A freshly Grant be issued in the joint names of Grace Chebet Koske and Chepkirui Mosonik.

(iii) The fresh Grant issued herein in (ii) above is ordered confirmed and distribution of the estate be as set out in the Certificate of Confirmation of Grant dated 31st July, 2023, now revoked.

(iv) The freshly issued Certificate of Confirmation of Grant be implemented expeditiously.

(v) This being a family dispute, a fair order on costs is direct that each party bears their own costs

(vi) The matter shall be mentioned on 2nd July, 2026 for compliance and further directions.

Dated, signed and delivered at Kericho this 31st day of March, 2026

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**J. K. SERGON
JUDGE**

In the presence of:

C/Assistant - Rutoh

Kipkorir for the Applicant