



REPUBLIC OF KENYA



In re Estate of the Late Jonathan Kiplangat Kalya (Deceased) (Succession Cause 197 of 2015) [2026] KEHC 4411 (KLR) (31 March 2026) (Ruling)

Neutral citation: [2026] KEHC 4411 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE 197 OF 2015**

JK SERGON, J

MARCH 31, 2026

**IN THE MATTER OF THE ESTATE OF THE LATE
JONATHAN KIPLANGAT KALYA (DECEASED)**

BETWEEN

**ALICE CHEMUTAI KANDIE 1ST APPLICANT
REBBY CHEPNGENO MARANDA 2ND APPLICANT
MARTHA CHEPKORIR KALYA 3RD APPLICANT
NANCY CHERONO KALYA 4TH APPLICANT
VIVIAN CHELANGAT LANGAT 5TH APPLICANT**

AND

**STEPHEN KIPNGETICH LANGAT 1ST RESPONDENT
JULIUS K LANGAT 2ND RESPONDENT
JAMES K LANGAT 3RD RESPONDENT
RICHARD KIPKEMOI LANGAT 4TH RESPONDENT**

RULING

1. Before this Court is a Chamber Summons dated 13th November 2025. The Application is brought under section 47 of the *law of succession act*, Rules 49 & 73 of the probate and administration rules and section 80 of the *civil procedure act*, Order 45 rule 1 of the civil procedure rules and all other enabling provisions of the law.
2. The Applicants pray for the following orders;



- a. That this Honourable Court be pleased to review its ruling delivered on the 31st day of July, 2025 as pertains the grant of final orders of the Court.
 - b. That consequent to the said review, this Honourable Court be pleased to grant the orders prayed in prayer numbers 3, 4, 5 and 6 of the application dated 4th of April 2025.
 - c. That the costs of this application be in the cause.
3. The Application is premised on the grounds set out on the face thereof and on the contents of the Supporting Affidavit sworn by Martha Chepkorir Kalya. The grounds may be summarized as follows:
- a. This Court delivered a ruling on 31st July, 2025 in favour of the Applicants.
 - b. In the said ruling, the Court directed the Administrators/Respondents to comply with Section 83 of the *Law of Succession Act* and authorized the Deputy Registrar to execute all necessary documents to give effect to the Certificate of Confirmation of Grant issued on 3rd July, 2023.
 - c. However, some of the specific facilitative orders sought by the Applicants in their application dated 4th April, 2025 were not expressly captured in the final orders of the Court.
 - d. The omitted orders are necessary to facilitate the full implementation of the ruling and to give complete effect to the Certificate of Confirmation of Grant.
 - e. The omission appears to have occurred by inadvertence or oversight and can be rectified by the Court pursuant to Section 80 of the *Civil Procedure Act* and Order 45 Rule 1 of the Civil Procedure Rules.
 - f. Unless the Court reviews its orders and grants the said orders, the execution and completion of transmission to the beneficiaries will be hampered, causing undue delay and prejudice to the Applicants and the beneficiaries of the estate.
4. The Applicants identify the omitted orders as prayers 3, 4, 5 and 6 of their application dated 4th April, 2025. The said prayers are reproduced verbatim as follows:

Prayer 3: That an order directing the Land Registrar, Kericho County to dispense with the production of copies of national identity cards, KRA PIN certificates and passport size photographs of the Respondents Stephen Kipngetch Langat, Julius K. Langat and James K. Langat for purpose of executing transfer/transmission documents.

Prayer 4: That an order directing the Land Registrar, Nakuru County to dispense with the production of copies of the national identity card, KRA PIN certificate and passport size photographs of the Respondent Julius K. Langat for purpose of executing transfer/transmission documents.

Prayer 5: That an order be and is hereby issued directing the Officers Commanding Station, Kabartegan Police Station, to provide security to the District Surveyors to survey and demarcate the shares of the beneficiaries in the land parcels Kericho/Getarwet/718, Kericho/Kabartegan/231, Kericho/Kabartegan/243, Kericho/Kabartegan/93, Kericho/Getarwet/611, Kericho/chemosot/242 and Kericho/Chemosot/Plot No. 1 as per the Certificate of Confirmation of Grant dated 3rd of July 2023.

Prayer 6: That an order be and is hereby issued directing the Officer Commanding Station, Elburgon Police Station, to provide security to the District Surveyors to survey



and demarcate the shares of the beneficiaries in the land parcel Nakuru/Elburgon/Arimi Ndoswa Block 6/26 as per the Certificate of Confirmation of Grant dated 3RD July 2023.

5. Order 45 Rule 1 of the Civil Procedure Rules provides:
 - (1) Any person considering himself aggrieved—
 - (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
 - (b) by a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for a review of judgment to the court which passed the decree or made the order without unreasonable delay.
6. Section 80 of the *Civil Procedure Act* similarly empowers the court to review its orders on the same grounds.
7. Section 99 of the *Civil Procedure Act* provides:

Clerical or arithmetical mistakes in judgments, decrees or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the court either of its own motion or on the application of any of the parties.
8. Rule 73 of the Probate and Administration Rules grants this court inherent jurisdiction to make such orders as may be necessary to meet the ends of justice.
9. I have carefully considered the Chamber Summons dated 13th November, 2025, the Supporting Affidavit of Martha Chepkorir Kalya, and the record of this court. Two issues arise for determination:
 - i. Whether there was an omission in the final orders of the ruling delivered on 31st July, 2025.
 - ii. Whether the omission merits review under the applicable legal framework.
10. This court delivered a ruling on 31st July, 2025 in which it allowed the Applicants' application dated 4th, 2025. The court made orders directing the administrators to comply with Section 83 of the *Law of Succession Act* and authorized the Deputy Registrar to execute all necessary documents to give effect to the Certificate of Confirmation of Grant.
11. Upon examining the final orders in the said ruling, I find that the specific orders sought in prayers 3, 4, 5, and 6 of the 4th April, 2025 application were not expressly captured.
12. I therefore find that there was indeed an omission in the final orders of the ruling delivered on 31st July 2025.
13. The Applicants contend that the omission occurred by inadvertence or oversight. They rely on the court's reasoning in the body of the ruling which, they argue, clearly supported the granting of all prayers in the 4th April, 2025 application.
14. Upon reviewing the court's reasoning in the 31st July, 2025 ruling, I note that the court made specific findings that:
 - a. The Respondents were in breach of their duties under Section 83 of the *Law of Succession Act*;



- b. The court had ample powers under Section 47 of the *Law of Succession Act* and Rule 73 of the Probate and Administration Rules to meet the ends of justice;
 - c. The application dated 4th April, 2025 was allowed.
15. The omission of the specific dispensing orders and security orders from the final orders, while the court had granted the substantive enforcement application, constitutes an accidental slip or omission within the meaning of Section 99 of the *Civil Procedure Act*.
 16. In *National Bank of Kenya Limited v Ndungu Njau* [1997] eKLR, the Court of Appeal held:

A review may be granted whenever the court considers that it is necessary to correct an apparent error or omission on the face of the record. The error or omission must be self-evident and should not require an elaborate argument to be established.
 17. In the present case, the error is self-evident, the court allowed the enforcement application but omitted to expressly grant the specific facilitative orders that are necessary to give full effect to that decision.
 18. Furthermore, I note that the application dated 4th April, 2025 was unopposed. The Respondents filed no response to the same and were not represented at the inter partes hearing. In such circumstances, the Applicants had a legitimate expectation that all prayers in their unopposed application would be considered and granted.
 19. This court also has inherent jurisdiction under Rule 73 of the Probate and Administration Rules to make such orders as may be necessary to meet the ends of justice. The administration of this estate has been protracted. The Certificate of Confirmation of Grant was issued in 3rd July 2023, yet the beneficiaries have not received their shares due to the Respondents' uncooperative conduct. It would be unjust to allow technical omissions to further delay the distribution of the estate.
 20. I therefore find that the omission merits review under Section 99 of the *Civil Procedure Act* and Rule 73 of the Probate and Administration Rules.
 21. Accordingly, I make the following orders;
 - a. The ruling delivered on 31st July, 2025 is hereby reviewed.
 - b. The Chamber Summons dated 13th November, 2025 is hereby allowed in terms of prayers 3, 4, 5, and 6 of the application dated 4th April, 2025 as follows:-
 - i. An order directing the Lang Registrar, Kericho County to dispense with the production of copies of National Identity Cards, KRA Pin Certificates and passport size photographs of the Respondents Stephen Kipngetich Langat, Julius K. Langat, James K. Langat and Richard Kipkemoi Langat for purposes of executing transfer documents in relation to the Respondents.
 - ii. An order directing the Lang Registrar, Nakuru County to dispense with the production of copies of the national identity card, KRA PIN Certificate and passport size photographs of the Respondent Julius K. Langat for purposes of executing transfer/transmission documents in relation to the Respondent



- iii. An order be and is hereby issued directing the Officer Commanding Station, Kabartegan Police Station, to provide security to the District Surveyors to survey and demarcate the shares of the beneficiaries in the land parcels

Kericho/Getarwet/718,
Kericho/Kabartegan/231,
Kericho/Kabartegan/243,
Kericho/Kabartegan/93,
Kericho/Getarwet/611,
Kericho/Chemosot/242
Kericho/Chemosot/Plot No. 1

as per the Certificate of Confirmation of Grant dated 3rd July, 2023.

- iv. An order be and is hereby issued directing the Officer Commanding Elburgon Police Station, to provide security to the District Surveyors to survey and demarcate the shares of the beneficiaries in the Land Parcel Nakuru/Elburgon/Arimi Ndoswa Block 6/26 as per the Certificate of Confirmation of Grant dated 3rd July, 2023.

- c. This being a family matter, each party to bear their own costs.

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

Kirui Evanson holding brief for Kirui for Applicant

No Appearance for Koko for the Respondent

