



**In re Estate of Chumo (Deceased) (Succession Cause 133 of 2007)
[2026] KEHC 4335 (KLR) (31 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4335 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE 133 OF 2007
JK SERGON, J
MARCH 31, 2026**

IN THE MATTER OF THE ESTATE OF THE LATE PAUL KIPNGENO CHUMO (DECEASED)

BETWEEN

ZACHARIAH KIPKORIR NGENO PETITIONER

AND

CHRISTINE CHEMUTAI NGENO OBJECTOR

RULING

1. This succession cause has been pending before this court for nearly two decades. It was filed in 2007 following the demise of Paul Kipngeno Chumo (hereinafter “the deceased”). The protracted nature of these proceedings has caused considerable anguish to the family of the deceased and has unnecessarily consumed judicial time and resources.
2. The matter now comes before this court for final determination following the filing of an application dated 28th November 2023 by Christine Chemutai Ngeno (hereinafter “the Applicant”) seeking orders to compel the Respondent, Zachariah Kipkorir Ngeno, to render a true, proper and comprehensive account of the administration of the estate.
3. This court delivered an interlocutory ruling on 3rd December 2025 granting the Applicant’s application and directing the Respondent to render the requisite account within 45 days and to appear before this court on 11th February 2026 to present original title documents.
4. The Respondent has since complied by filing:· An Affidavit sworn on 12th January 2026· A detailed status report dated January 2025· A surveyor’s report dated 18th October 2022· Various certificates of official search and title deeds
5. I have carefully considered all the material placed before this court.



6. The deceased, Paul Kipngeno Chumo, died intestate. He was survived by two houses: Taplule Chumo (deceased) – who had one son, Samwel Kipkemoi Ngeno (deceased), who was survived by three widows: Christine Chemutai Ngeno, Rachel Chelangat Ngeno, and Betty Chepkirui Cheruiyot. Paulina Chumo (deceased) – who had eight sons and three daughters, including the Respondent.
7. A grant of letters of administration was issued to Zachariah Kipkorir Ngeno and Christine Chemutai Ngeno as co-administrators on 22nd July 2020. The Certificate of Confirmation of Grant was issued on 16th March 2022.
8. The estate comprises the following properties: Kericho/Kapkatet/950 (15.2 acres)· Kericho/Kipkelion/Barsiele Block 1 (Kaula)/65 (15 acres)· Kericho/Kipkelion/Barsiele Block 1 (Kaula)/239 (8.4 acres)· Kericho/Kibwastuiyo/572 (0.5 acres)
9. The Respondent has presented a comprehensive account of the distribution of the estate properties. The surveyor’s report dated 18th October 2022 details the subdivision of each property with precision.
10. Kericho/Kapkatet/950 was partitioned into ten portions as follows;

Title Number Beneficiary Area (Ha) Area (Acres)

3758 Zachariah Kipkorir Ngeno 0.688 1.8
 3759 Rorogu Cheruiyot Ngeno 0.304 0.75
 3760 Christine Chemutai Ngeno 0.202 0.5
 3761 Anthony Kibet Ngeno 0.526 1.3
 3762 Christine Chemutai Ngeno 1.07 2.7
 3763 Rachel Chelangat Ngeno 1.27 3.2
 3764 Simeon Kiprono Ngeno 0.688 1.8
 3765 Kiprotich Ngeno 0.688 1.8
 3766 Christine & Rachel (joint) 0.167 0.4
 3767 Anthony Kibet Ngeno 0.176 0.4

11. Kericho/Kaula/65 was partitioned into eight portions as follows;

Title Number Beneficiary Area (Ha) Area(Acres)

352 Philip Kiplangat Ngeno 2.10 5.0
 353 Betty Chepkirui Cheruiyot 0.60 1.5
 354 Rachel & Betty → Stanley Kimeto 0.40 1.0
 355 Rachel → Robert Langat 1.29 3.0
 356 Christine → Stanley Kimeto 0.40 1.0
 357 Christine Chemutai Ngeno 0.60 1.5
 358 Christine → Stanley Kimeto 0.40 1.0
 359 Christine → Stanley Kimeto 0.51 1.0



12. Kericho/Kaula/239 was partitioned into four portions as follows:

Title Number	Beneficiary	Area (Ha)	Area (Acres)
360	Joseph Kipngetich Ngeno	1.9	4.7
361	Hellen Chelangat Ruto	0.4	1.0
362	Rorogu Cheruiyot Ngeno	0.49	1.2
363	Betty Chepkirui Cheruiyot	0.42	1.0
13. Kericho/Kibwastuiyo/572 remains undistributed, measuring approximately 0.5 acres.
14. The Applicant's grievances, as gleaned from the record, are that: The Respondent has not provided a true account of the administration. Some beneficiaries have been left out of the distribution. Land has been allocated to strangers not named in the Certificate of Confirmation. The Respondent should be committed to civil jail for contempt.
15. However, the evidence before this court paints a different picture. The Applicant was a co-administrator who participated fully in the distribution process. She attended the Land Control Board meeting on 13th October 2022, signed the requisite registration forms, and received multiple parcels of land as her share of the estate.
16. The Applicant was appointed co-administrator on 22nd July 2020. She participated in: Family meetings held in August 2020 and 11th June 2022. The Land Control Board meeting on 13th October 2022. Signing *Land Registration Act* Form 39 for registration as legal representative. Directing transfers to her son, Stanley Kiplangat Kimetto.
17. The Applicant received the following parcels: Kericho/Kapkatet/3760 (0.202 ha). Kericho/Kapkatet/3762 (1.07 ha). Kericho/Kaula/357 (0.60 ha). Kericho/Kaula/359 (0.51 ha).
18. Through her direction, her son Stanley Kiplangat Kimetto received: Kericho/Kaula/354 (0.40 ha from Rachel and Betty). Kericho/Kaula/356 (0.40 ha). Kericho/Kaula/358 (0.40 ha). Kericho/Kaula/359 (0.51 ha).
19. The title deed for Kericho/Kaula/359 was issued to Stanley Kiplangat Kimetto on 5th April 2019, nearly three years before the Certificate of Confirmation of Grant was issued on 16th March 2022. This transfer was effected without court authority and constitutes intermeddling with the estate contrary to Section 45 of the *Law of Succession Act*.
20. The Applicant was the source and beneficiary of this transfer, as she directed the land to her son.
21. The Applicant sold 6 acres out of Kericho/Kapkatet/950 prior to distribution.
22. The Applicant continues to sell land, having sold 0.1 acres out of her 2.5 acres in Kaula as documented in the record.
23. Peter Kimeto, a son of the Applicant, is not a named beneficiary in the Certificate of Confirmation of Grant. Despite lacking standing, Peter Kimeto has filed E.L.C Suit No. E017 of 2025 concerning estate property and has engaged in other litigation.
24. Peter Kimeto sold 1 acre on Kericho/Kaula/65 as evidenced by a sales agreement on record.



25. The Respondent has provided a detailed, comprehensive, and verifiable account of the administration of the estate. The account is supported by surveyor's reports, land registry documents, and family meeting minutes.
26. I find that the Respondent has fully complied with the order of this court dated 3rd December 2025. Therefore, the Applicant's application for committal of the Respondent to civil jail is without merit and is hereby dismissed.
27. The Applicant cannot be heard to complain about a process in which she actively participated and from which she substantially benefited.
29. The Applicant's conduct in transferring estate property prior to confirmation of grant and in selling substantial portions of her allocated land undermines her credibility before this court. A party who seeks equity must do equity. The Applicant has not come to this court with clean hands.
30. Having considered all the evidence and for the reasons set out hereinabove, I now issue the following final orders;
 - a. The account rendered by Zachariah Kipkorir Ngeno is hereby accepted and adopted as the true, proper and comprehensive account of the administration of the estate of the late Paul Kipngeno Chumo (deceased).
 - b. The Applicant's prayer for committal of the Respondent to civil jail is hereby dismissed.
 - c. The distribution of the estate as set out in the surveyor's report dated 18th October 2022 and the status report dated January 2025 is hereby ratified and confirmed by this court.

It is so ordered

**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

Morata for the 1st Petitioner/Applicant

Kirui Evanson for the 2nd Petitioner

