

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BOMET**  
**SUCCESSION CAUSE NO. E023B OF 2023**

**IN THE MATTER OF THE ESTATE OF KIPCHOBOT ARAP**  
**MOTWEK - DECEASED**

**AND**

**RODAH MATWEK ..... 1<sup>ST</sup>**  
**PETITIONER/APPLICANT**

**AND**

**REUBEN KIPRONO KOSKEI ..... 2<sup>ND</sup>**  
**PETITIONER/RESPONDENT**

**AUGUSTINE KIPCHIRCHIR..... 3<sup>RD</sup>**  
**PETITIONER/RESPONDENT**

**R U L I N G**

1. This is a Ruling in terms of the Mode of Distribution of the Estate herein pursuant to Summons for Confirmation.
  
2. Initially Parties were referred to Court Annexed Mediation but failed to reach a settlement.

3. There is a Summons for Confirmation of Grant dated 17/10/2025. The Applicants have proposed a Mode of Distribution which is not agreeable to the 1<sup>st</sup> Petitioner.
4. The 1<sup>st</sup> Petitioner has made Submissions on the Mode of Distribution too. The Submissions are dated 11/11/2025.
5. I have looked at the two proposed Mode of Distribution. It is not in dispute that there are two houses involved in this cause. The Deceased died interstate. There is no claim of contribution by the beneficiaries to the Estate. The deceased property is also not in dispute.
6. As per Section 40 of the Law of Succession and the general Law on Succession equal distribution ought to be the guiding principle taking into account equity too.
7. The proposed Mode of Distribution by the 2<sup>nd</sup> and 3<sup>rd</sup> Petitioners would not be taking into account the issue of equality and equity.
8. I am persuaded to agree with the proposed Mode of Distribution by the 1<sup>st</sup> Petitioner in the Submissions. The Beneficiaries ought to be treated equally.

9. I therefore, do proceed order that the grant herein and the estate be distributed as per the Mode of Distribution proposed by the 1<sup>st</sup> Petitioner (Rodah Matwek).

10. A Certificate of Confirmation of Grant to issue accordingly.

**Ruling delivered, dated and signed at Bomet this 29<sup>th</sup> Day of April, 2026.**

.....  
**HON. JULIUS K. NG'ARNG'AR**  
**JUDGE**

**Ruling Delivered in the presence of;**  
**Susan/Siele Court Assistant**  
**Mebera for 2<sup>nd</sup> Petitioner - present**