

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BOMET
SUCCESSION CAUSE NO. 41A OF 2025

IN THE MATTER OF THE ESTATE OF THE LATE
KIPSIELE ARAP LANGAT alias KIPSIELE A. LANGAT -
DECEASED

AND

ZAKAYO CHERUIYOT SIELE 1ST
PETITIONER

CHERUIYOT VINCENT SIELE 2ND
PETITIONER

ALICE CHEPTONUI SANG 3RD
PETITIONER

SIELE DAVID KIPNGETICH 4TH
PETITIONER

R U L I N G

This matter proceeded by way of Court Annexed Mediation.

A partial settlement was reached. The partial agreement was filed in Court on 20/8/2025 and adopted as an Order of this Court. The unresolved part was left to the Court to deal.

The Court directed the Parties to file Submissions in respect to the issue. The main issue was on trespass. The Mediation Settlement was agreed that there was trespass by Zakayo Siele on the respective parcels of Robert Siele and Sofia Langat. That he had plucked tea and fell trees hence the need for the Court to adopt the agreement on compensation as assessed.

I have considered the Submissions filed by the Parties. I do note it is not in dispute that the Mode of Distribution agreed has been adopted.

I find nothing to make me interfere with the Mode of Distribution. The proposed Mode of Distribution by the 1st Petitioner has no basis at all. The only issue is in respect to trespass and compensation that was to be handled by the Court.

I have considered the issue and note that this being a succession matter cannot delve into issues of trespass or compensation. This is a question or issue to be handled in the proper and competent jurisdiction. The main role of the Court is to determine propriety of the Estate and have it distributed. This has been done pursuant to the settlement agreement.

For the above reasons I do decline to make any Order in that regard. Consequently, I do proceed to order that Parties to this matter are bound by the Mode of Distribution as per the Mediation Settlement that was adopted by Court.

Accordingly, I do confirm the grant in line with the Mediation Settlement Agreement. A Certificate of Confirmation to issue.

This brings to closure the issue of Mode of Distribution in this file and finality to this Succession Cause.

Ruling delivered, dated and signed at Bomet this 29th Day of April, 2026.

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HON. JULIUS K. NG'ARNG'AR
JUDGE

Ruling Delivered in the presence of;
Susan/Siele Court Assistant
2nd - 4th Petitioners - Ondieki - present
1st Petitioner - Rono - present

ORIGINAL