



REPUBLIC OF KENYA



**In re Barmao Chemesis (Deceased) (Succession Cause
72 of 2023) [2026] KEHC 6152 (KLR) (11 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 6152 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 72 OF 2023
DB NYAKUNDI, J
MAY 11, 2026**

**IN THE MATTER OF THE ESTATE OF BARMAO CHEMESIS (DECEASED)
IN THE MATTER OF CONFIRMATION OF GRANT OF LETTERS
OF ADMINISTRATION INTESTATE UNDER SECTION 71 (I) OF
THE LAW OF SUCCESSION ACT, (CAP 160) LAWS OF KENYA**

RULING

1. Before this court is summons for confirmation of grant dated 10th June 2025. The application seeks the following orders:
 - a. That the Grant of Probate (or Letters of Administration Intestate) made to the said Elizabeth Jerono Yator and Philemon Kimutai Yator in this matter be confirmed and the estate be divided in terms of the annexed proposed mode of distribution.
 - b. That the costs of this application be costs in the cause.
2. Which Application Is Based On Grounds That:
 - a. It is more than six months since the grant of Letters of Administration Intestate was issued.
 - b. The Applicants are the beneficiaries of the deceased's estate.
3. In support of the application is the affidavit of Elizabeth Jerono Yator and Philemon Kimutai Yator who deponed as follows:
 - a. A grant of letters of administration of the said estate was made to us in this matter.
 - b. The deceased was survived by the following beneficiaries:-

Esther Jeruto Kimaiyo Daughter
Philemon Kimutai Yator Son
Miriam Kangogo Kiplagat - Daughter



Elizabeth Jerono Yator - Daughter
 William Kipkemboi Kipyator -Son
 Rosaline Jeruiyot Yator -Daughter
 Samuel Kipkosgei Kipyator Son
 Daniel Kipngetich Yator – Son
 Serah Jepkorir Yator - Daughter
 Harun Kiptoo Yator -Son
 Salina Jepchirchir Yator - Daughter
 Alice Jelagat Yator- Daughter
 Kenneth Kibii Yator - Son
 Perpetual Jebiwott Yator - Daughter

- c. The deceased was not survived with by other dependants
- d. The identification and shares of all persons beneficially entitled to the said estate have been ascertained and determined as follows:

Property	Shares
Soy/Soy/Block 4 (Kongasis) 29 measuring 38 acres	1 st House- 19 acres 2 nd House-19 acres
Elgeyo Marakwet/Lower Muskut	To be shared equally between the 1 st and 2 nd House
Elgeyo Marakwet/Upper	To be shared equally between the 1 st and 2 nd House
Mosop/Lelboinet/115 measuring approximately 19 acres	1 st House-9.5 acres 2 nd House-9.5 acres

Decision

4. This matter was subjected to mediation pursuant to Article 159(2)(c) of *the Constitution* and Section 59(A)-(D) of the Civil Procedures Acts as read with Order 46 Rule 20 of the Civil Procedure Rules. The *Civil Procedure Act* (CPA) and its accompanying Rules provide a robust framework for the utilization of Alternative Dispute Resolution (ADR) mechanisms in Kenya. Specifically, Section 59 of the CPA empowers courts to refer matters to arbitration, while Sections 59A, 59B, and 59D enable the referral of cases to Mediation. Moreover, the CPA allows for the utilization of any other agreed-upon ADR method, providing flexibility for parties to tailor their dispute resolution approach. These provisions have led to the establishment of the Court Annexed Mediation program and the Mediation Accreditation Committee. Additionally, Order 46 Rule 20 of the Civil Procedure Rules grants courts the discretion to employ various ADR methods, further solidifying the role of ADR in Kenya's legal



system. See Mediation Ecosystem in Kenya: Current Trends and Future Prospects by Godliphas M Barasa.

5. It is this legal foundation in which mandated courts to refer matters to be settled in the mediation forum. The parties to this succession cause agreed to have the issues on inheritance be negotiated under that forum. The culmination of it was a full mediation dated 27th November 2025, in detailed and in context underpinned as follows:

a. That both family members attended mediation session and they agreed as the following:

Date of death 30/04/2016

Date of burial 07/05/2016

Place of birth Lelboinet Village

Death certificate serial no. 0051600240

Sub location Lelboinet

Location – Marichor

Sub county Keiyo South

County – Elgeyo Marakwet

b. That the deceased was survived by the following widows during his death

Ruth Kabila Kipyator –deceased

Irene Kabon Barmao – deceased

c. That the following left behind the following children/beneficiaries during his demise.

a. Moses Yator -deceased

b. Esther Jeruto Kimaiyo – 70 years

c. Philemon Kimutai Yator 65 years

d. Miriam Kangogo Kiplagat – 63 years

e. Elizabeth Jerono Yator – 59 years

f. William Kipkemboi Kipyator - 70 years

g. Rose Jeruiyot Yator – 68 years

h. Samuel Kipkosgei Kipyator – 66 years

i. Daniel Kipngetich Yator – 63 years

j. Serah Jepkorir Yator – 62 years

k. Haron Kiptoo Yator -57 years

l. Salina Jepchirchir Yator – 53 years

m. Alice Jelagat Yator- 56 years

n. Kipkoech Yator Chemosis - deceased



- o. Kenneth Kibii Yator – 50 years
- p. Perpetual Jebiwott Yator – 46 years
- d. That the family choose the following family members as their Administrators
Philemon Kimutai Yator
Samuel Kipkosgei Kipyator
- e. That the deceased Barmao Chemesis left behind the following assets during his demise:
 - Mosop/Lelboinet/115 measuring approximately 19.5 acres
 - LR Soy/Soy/Block 4 (Kongasis) 29 measuring 38.725 acres



Name	Share	Id No	Date
Philemon Kimutai Yator	2.44Acres	52xxxxx	27/11/2025
Samuel Kipkosgei Kipyator	4.88 Acres	12xxxxx	
Daniel Kipngetich Yator	2.44Acres	52xxxxx	
Haron Kiptoo Yator	2.44Acres	87xxxxx	
Alice Adhiambo Yator in trust of the Following beneficiaries: (Edwin Kipchumba Chesondin, Latoiyo Kiragu and Ness Kiplagat	2.44Acres		
Patrick Kiplimo Koech in trust of the Following beneficiaries: Brian Kipkorir Koech and Daniela	4.88 Acres		



Jemutai Koech			
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Soy/Soy/Block 4 (Kongasis) 29

Name	Share	Id No	Date
Esther Jeruto Kimaiyo	2 Acres	31xxxxx	27/11/2025
Rose Jeruiyot Yator	2 Acres	44xxxxx	
Miriam Kangogo Kiplagat	2 Acres	31xxxxx	
Serah Jepkorir Yator	2 Acres	31xxxxx	
Elizabeth Jerono Yator	2 Acres	46xxxxx	
Sally Chepchirchir Barmao	2 Acres	12xxxxxx	
Alice Jelagat Yator	2 Acres	99xxxxx	
Perpetual Jebiwott Yator	2 Acres	21xxxxxx	
William Kipkemboi Kipyator	5.62 Acres	12xxxxx	
Philemon Kimutai Yator	2.81 Acres	52xxxxx	
Daniel Kipngetch Yator	2.81 Acres	52xxxxx	



Haron Kiptoo Yator	2.81 Acres	87xxxxx
Kenneth Kibii Yator	5.62 Acres	21xxxxxx
Alice Adhiambo Yator in trust of the Following beneficiaries: (Edwin Kipchumba Chesondin, Latoiyo Kiragu and Ness Kiplagat	2.81 Acres	

6. This outcome negotiated by the parties under the facilitation of a mediator is one forum in which the principles of administering substantive justice without regard to the technicalities can be said to be underpinned. In this forum issues on technicalities such as language barriers, affidavits, pleadings, numbering of suit papers filed in Court which sometimes are struck out for not being in conformity with rules of procedure are dispensed with and in those circumstances it is to effectively deliver substantive justice to the parties. It is in this same spirit that I adopt the full mediation agreement to pave way for the transmission of the estate to the beneficiaries pursuant to the certificate of grant of confirmation which was earlier on issued to the parties within the prism of the *law of Succession Act*. Having this in mind the Administrators so appointed by this Court have a duty to faithfully and diligently administer the estate in compliance with Section 82, 83 and 84 of the Act and thereafter prepare and share with the Court a probate account within six months from the date of the certificate of confirmation of grant so that the same shall be liquidated and their role as administrators be discharged. I make no orders as to costs.

DATED, DELIVERED AND SIGNED AT ELDORET THIS 11TH DAY OF MAY 2026.

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R. NYAKUNDI
JUDGE

