



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**SUCCESSION CAUSE NUMBER E085 OF 2024**

**IN THE MATTER OF THE ESTATE OF MARITIM ARAP  
BWOGO (DECEASED)**

**DANIEL KIPKURUI MARITIM -----1<sup>ST</sup>**

**PETITIONER/RESPONDENT**

**AMOS KIPYEGON RONO ----- 2<sup>ND</sup>**

**PETITIONER/RESPONDENT**

**VERSUS**

**ROBERT KIBET NGENO -----1<sup>ST</sup>**

**APPLICANT**

**EVALYNE NGENO ----- 2<sup>ND</sup>**

**APPLICANT**

**RULING**

1. For determination is the Applicants' Notice of Motion dated 18/2/2025 for the following reliefs;

**a) Spent.**

**b) THAT this Honourable Court be pleased to grant leave to the Applicants to be enjoined as interested parties in the present case.**

**c) THAT costs of this application be in the cause.**

2. The 1<sup>st</sup> Applicant (Robert Kibet Ng'eno) swore an affidavit in support of the Motion. He avers that they have proprietary interest in approximately 2.8 acres hived off property known as Nakuru/Olenguruone/Kiptagich/180 forming part of the deceased's Estate. Named beneficiaries of the Estate in the presence of their mother (Tabutany Chebii Bwogo) allegedly sold to the Applicants different portions of the above described parcel of land, in aggregate totaling 2.8 acres. One of the purported sellers (Philip Ibrahim Samoei) is said to have confirmed the sale in **Nakuru Chief Magistrate's Environment Land Court Number 136 of 2020** instituted by the 1<sup>st</sup> Administrator/Respondent. The Applicants further states that they took possession of the land they bought and are

carrying our farming activities thereon. They therefore contend that they have a stake in the proceedings herein hence their Application for joinder.

3. The Respondents oppose the Application through an affidavit on the 1<sup>st</sup> Administrator/Respondent. He contends that the court by Ruling delivered on 28/10/2025 found that the Applicants are intermeddlers of the Estate and therefore they don't have necessary *bonafides* to be joined as Interested Parties herein. In the same vein it is argued that this Application is *res judicata* in light of the court's decision of 28/10/2025.
4. The parties filed written submissions which have been perused together with the record. Indeed the Applicants have been found to have intermeddled with the Estate by purporting to purchase part thereof before confirmation of Grant and/or permission of the court. This is intermeddling with the Estate of a deceased person in terms of **section 45 of the Law of Succession Act**. They do not therefore come to the court of equity with clean hands. They do not seem to have a lawful interest to protect in these

proceedings in the circumstances. In think the Applicants would better protect their interest in the lower court's **Environment and Land Court No. 136 of 2020** said to have been instituted by the 1<sup>st</sup> Administrator of the Estate, apparently to challenge the purported sale in favour of the Applicants.

5. The Application is dismissed with no order as to costs.

**J.M. NANG'EA - JUDGE.**

**Ruling Delivered virtually this 6<sup>th</sup> day of May, 2026.**

**In the presence of:**

**1<sup>st</sup> Administrator/Respondent's Advocate, Mr. Bore.**

**2<sup>nd</sup> Administrator's Advocate, Mr. Cheruiyot.**

**Applicants' Advocate, Mr. Kibet.**

**Court Assistant (Jeniffer).**

**J.M. NANG'EA - JUDGE.**