



REPUBLIC OF KENYA



**In re Estate of the Late Kibungei Keter Kibungei (Deceased) (Succession Cause E009 of 2025) [2026] KEHC 5919 (KLR) (4 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 5919 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE E009 OF 2025**

**RN NYAKUNDI, J**

**MAY 4, 2026**

**IN THE MATTER OF THE ESTATE OF THE LATE  
KIBUNGEI KETER KIBUNGEI (DECEASED)**

**BETWEEN**

**ANNAH JEPKOECH TUWEI ..... 1<sup>ST</sup> PETITIONER**

**ELIZABETH CHEPKIYENG JUMA ..... 2<sup>ND</sup> PETITIONER**

**AND**

**JOHN KIMETTO MASAI AND OTHERS ..... RESPONDENT**

**RULING**

1. Before this Court is summons for confirmation of grant brought under Rule 4(1) and 73 of the Probate and Administration Rules of the Succession Act Cap 160 of the Laws of Kenya. The application is based on the following grounds:
  - a. That on the 9<sup>th</sup> day of May, 2025, the Honorable Court issued Grant of letters of Administration to Annah Jepkoech Towei And Elizabeth Chepkiyen Juma In Respect Of The Estate Of Kibungei Keter Kibungei (Deceased) who died on the 8<sup>th</sup> day of FEBRUARY 2015 at SIMAT.
  - b. That there is no application for dependents pending herein.
  - c. That the statutory six months' period required before confirmation has since not lapsed after the issuance of the Grant of letters of Administration and the petitioners will seek leave for confirmation of grant before the lapse of the said period.
  - d. That the applicants have obtained necessary consent for confirmation of grant and consent for mode of distribution in respect of this succession Cause.



- e. That no objection whatsoever has been lodged in respect to this cause.
2. In support of the application is the annexed affidavit of Annah Jepkoech Towei and Elizabeth Chepkiyen Juma who deponed as follows:
    - a. That a grant of letters of administration of the said estate was made to us in this matter by the High Court of Kenya at Eldoret, On 9<sup>th</sup> May, 2025.
    - b. That we do swear this oath on our own behalf as the petitioners.
    - c. That the deceased left the following persons surviving;
 

Names Relationship

Kiplagat Bungei Letangwo Son

John Kimetto Masai Son

Salome Jesang Daughter

Paul Bungei(deceased) Son

Annah Jepkoech Towei Daughter-1<sup>st</sup> Petitioner

Elizabeth Chepkiyen Juma Daughter-2<sup>nd</sup> Petitioner

Naum Ngisirei(deceased) Daughter

Peter Bungei Seroney Son
    - d. That the deceased died leaving the following property:-
 

SUBPARA a.

Kapsaret/simat Block 2(simat) 353 measuring approximately 2.88 Ha Total estimated value at Kshs. 40,000,000 (Kenya Shillings Forty Million)
    - e. That no application for provision for dependents is pending.
    - f. That it is just expedient that the Grant of Letters of Administration, issued to the Petitioner/ Applicant on 9<sup>th</sup> May, 2025, be confirmed, and the estate be distributed as per the mode of distribution provided to enable the petitioner/applicant give a just and true account of the estate, that is, the estate be equally distributed to the dependents.
    - g. That we swear this affidavit in support of the application now before the Honorable Court.
  3. Amidst the proceedings, the parties attempted Court Annexed Mediation and recorded a full settlement in the following terms:
    - a. That both parties attended the mediation session physically and hybrid and consented that they are family members of the deceased who died domiciled in Kenya on 8<sup>th</sup> February 2015.
    - b. That the deceased was survived by two wives namely:
      - a. Martha Chebichi Keter- deceased
      - b. Susan Chepkemoi Keter – deceased
      - c. That the deceased was survived by the following nine children



- a. Kiplangat Bungei Letongwa – 85 years
  - b. John Kimetto Letongwa – 80 years
  - c. Salome Chesang Bitok – 71 years
  - d. Clement Chelimo Keter – deceased
  - e. Elizabeth Chepkiyeny Juma – 68 years
  - f. Rodah Chepngetich Saina – 52 years
  - g. Annah Chepkoech Tuwei – 75 years
  - h. Peter Bungei Seroney – 60 years
  - i. Paul Bungei Letongwa – deceased
- d. That the deceased had no responsibility outside marriage
  - e. That the deceased had liability before his death as follows:
    - a. That he gave her daughter Clemetine Chelimo Keter (deceased) 3 acres directly before she died and the tittle deed was issued.
  - f. That the deceased had the following properties before his death as follows:
    - a. Kapsaret/Simat Block 2 (Simat)/177
    - b. Kapseret/Kapseret Block 2 (Simat)/353
    - c. Tractor Number KLP 436
    - d. KYQ 778That Paul Bungei Letongwa (deceased) was represented by his son Elvis Kibet BungeiClement Chelimo Keter was represented by her daughter Rose Keter ID No. 2XXXXXXX355Naomi Chelel Saina (deceased) was represented by her daughter Rodah Saina Chepngetich ID No. 1XXXXXXX44
  - g. That the grant of administration in his personal representatives be granted to the following 4 administrators namely:
    - a. Annah Jepkoech Tuwei – ID No. 4XXXXXXX8
    - b. Elizabeth Chepkiyeny Juma – ID No. 4XXXXXXX30
    - c. Salome Chesang Bitok – ID No. 1XXXXXXX15
    - d. Kiplangat Bungei Letongwa – ID No. 4XXXXXXX5
  - h. That the properties be distributed as per the will of the deceased dated and signed on 25<sup>th</sup> June 2010 as follows:
    - a. That Grandson Robert Kiptoo was given four acres of land to be his absolutely in part of title number Kapsaret/Simat Block 2 (Simat)/177
    - b. That grand-daughter Chepngetich Bungei was given one-acre part of title number Kapsaret/Simat Block 2 (Simat)/177



- c. That grand-daughter Cheruto Masai was given one-acre part of title number Kapsaret/Simat Block 2 (Simat)/177
- d. That grandson Machii Masai was given one-acre part of title number Kapsaret/Simat Block 2 (Simat)/177
- e. That one acre from title number Kapsaret/Simat Block 2 (Simat)/177 shall be retained for my graveyard and other portions to be used by any family member as the need may arise but the same shall be registered in the name of Robert Kiptoo as trustee for the entire family.
- f. That Robert Kiptoo was given five acres of part of title number Kapsaret/Simat Block 2 (Simat)/177
- g. That John Singil Masai was given a piece of land from Ngeny Farm in Uasin Gishu District measuring (19.9) acres at Lemoru.
- h. That grandson Robert Kiptoo was given Motor Vehicle of Registration Number KYQ 778.
- i. That John Singil Masai Was Given Tractor of Registration Number KLP 436
- j. That the shares in Sirgoi Holdings Limited was given to Grandson Robert Kiptoo
- k. That the shares in Wareng Nekoi Co-operative Society Limited was given to Salome Bitok.
- i. That both parties agreed that the land title No. Kapsaret/Kapsaret Block2 (Simat)/353, which was not captured in the deceased's will, be distributed as follows: -
  - a. Elizabeth Chepkiyeny Juma-0.2 Acres
  - b. Rodah Ngetich Saina-0.05 Acres
  - c. Annah Jepkoech Tuwei-1.0 Acres
  - d. Peter Bungei-0.25 Acres
  - e. Elvys Kibet Bungei - 0.05 Acres
  - f. John Kimetto Letongwa - 1.25 Acres
  - g. Kiplangat Bungei Letongwa - 1.25 Acres
  - h. Salome Jesang Bitok - 0.5 Acres
- j. That the deceased son Paul Bungei Letongwa (Deceased) sold 2.45 acres before succession was done to the following buyers; -
  - a. Simon Kibet Biwott-0.8 Acres
  - b. Paul Kipchirchir Kemboi-1.65 Acres from Title No. Kapsaret/Kapsaret Block 2 (Simat)/353, and the family members had no disputes with the two buyers and they are in agreement that the buyers be included in the confirmation of grant.



- k. That the parties have agreed to share the cost of survey and any government fee.
- l. That parties have agreed to bear their own cost of the suit.
- m. That parties have agreed without any undue influence force or any coercion
- n. That the settlement be considered as full and final settlement in regards to the succession claim brought before his honorable Court.
- o. The settlement was signed by the following:

Name Id No

- a. Annah Jepkoech Tuwei (1<sup>st</sup> petitioner) 4XXXXXX8
- b. Elizabeth Chepkieny Juma (2<sup>nd</sup> petitioner) 4XXXXXX30
- c. John Kimetto Masai (1<sup>st</sup> Respondent) 1XXXXXX10
- d. Kiplagat Bungei Letongwa (2<sup>nd</sup> respondent) 4XXXXXX5
- e. Salome Jesang Bitok 1XXXXXX15
- f. Peter Bungei Seroney 9XXXXXX7
- g. Rodah Jepngetich Saina 1XXXXXX44
- h. Daniel Kipkogei Samoei 1XXXXXX1
- i. Roseline Cherotich Keter 2XXXXXX9
- j. Paul Kipchirchir Kemboi 6XXXXXX6
- k. Simon Kibet Biwott 1XXXXXX37
- l. Ruth Kangali Barabara 2XXXXXX84
- m. Japheth Molly 2XXXXXX62
- n. Amos Bungei 2XXXXXX84
- o. Ray Bungei 2XXXXXX05
- p. Pauline J Sambu 1XXXXXX10

## Decision

4. The Court takes its guidance from Article 159(2) of *the Constitution* of Kenya, 2010, which promotes the use of Alternative Dispute Resolution mechanisms as part of resolving cases in our justice system. Rule 34 of the Court-Annexed Mediation Rules, 2022, completes the scheme by requiring the Court to adopt a duly executed settlement and to enter it as an order. Having examined the agreement filed herein, taken note of the signatures of the petitioners, the respondents, the family representatives of the deceased beneficiaries and the two buyers, and accepted the parties' express declaration that they entered it without force, coercion or undue influence, I am satisfied that the agreement reflects the family's settled will. I find nothing in it that offends the *Law of Succession Act*, Cap 160, or that is contrary to public policy.
5. In the result, the Mediation Settlement Agreement entered into in this cause is adopted in its entirety as the judgment of this Court. The grant of letters of administration intestate issued on 9<sup>th</sup> May 2025



shall be amended to issue jointly in the names of Annah Jepkoech Tuwei, Elizabeth Chepkieny Juma, Salome Chesang Bitok and Kiplangat Bungei Letongwa, who shall hold and administer the estate as joint personal representatives. The estate of the late Kibungei Keter Kibungei shall be distributed strictly in the terms agreed by the parties.

6. The Deputy Registrar shall generate a certificate of confirmation in the said terms.
7. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT ELDORET THIS 4<sup>TH</sup> MAY 2026.**

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**R. NYAKUNDI**

**JUDGE**

