



In re Estate of Ludia Cheptorus (Deceased) (Succession Cause E048 of 2020) [2025] KEHC 1049 (KLR) (26 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1049 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE E048 OF 2020
JK SERGON, J
FEBRUARY 26, 2025**

IN THE MATTER OF THE ESTATE OF LUDIA CHEPTORUS (DECEASED)

BETWEEN

ALICE CHEPKEMOI KENYIT PROTESTOR

AND

MARY CHERONO KORIR 1ST BENEFICIARY

SIMON KIPLANGAT KORIR 2ND BENEFICIARY

GEOFFREY KIPKEMOI KORIR 3RD BENEFICIARY

LEONARD KIBET KORIR 4TH BENEFICIARY

RULING

1. Alice Chepkemoi Kenyit, the Protestor/Applicant herein took out the Motion dated 6th December, 2024 and sought for the following Orders:-
 - (i) That this Application be certified urgent and be heard forthwith and ex-parte in the first instance.
 - (ii) That this Honourable Court be pleased to direct the OCS, Sosiot Police Station to provide security to district surveyor during his visit to the Parcel Number Kericho/Kapsuser/285 for the purpose of subdivision of the Land pursuant to the further rectified certificate of confirmation issued by this Court on 23/5/2024.
 - (iii) That the cost of the survey be borne equally amongst the Applicant and the Respondents in equal proportion.
 - (iv) should the Respondents declines to execute the mutation form and any other land registration forms, the Deputy Registrar be authorized to sign the forms on behalf of the Respondents.



- (v) That this Court be pleased to grant any other order as it deems necessary.
 - (vi) That the costs of this Application be provided for.
2. The Applicant filed an Affidavit she swore in support of the Motion. The Affidavit of Service sworn by Onesmus Lang'at dated 24th January, 2025 indicates that the aforesaid motion plus a Hearing Notice was served upon the Firm of M/s Birech Ngetich & Associates, Respondents' Advocate.
 3. When the Application came up for interpartes hearing, neither the Respondents nor their Advocates attended the Virtual Court Session. They did not also file a response to the motion hence the application proceeded for hearing ex parte.
 4. It is the averment of the applicant that vide the further rectified Certificate of Confirmation of Grant issued on 23rd May, 2024, the share belonging to the Late John Kerich was distributed among his children in equal proportion.
 5. The Applicant further stated that she has on several occasions tried to implement the further rectified Certificate of Confirmation of Grant through the District Surveyor but the respondents have vehemently resisted and vowed to cause violence upon the Applicant. It is for this reason that the applicant is seeking for Police Protection during the process of surveying and subdivision of the parcel of land known as Kericho/Kapsuser/285.
 6. The Applicant has further averred that she is apprehensive that the Respondents might decline to execute the Mutation Forms and any Land Registration Forms hence the Deputy Registrar of this Court should be authorized to sign the Forms in place of the Respondents.
 7. I have considered the grounds stated on the face of the motion and the facts deponed in the Supporting Affidavit. I have also taken note of the fact that the Respondents did not deem it fit to file a response to the Application despite having been served with the Application.
 8. It is not disputed that the Late Joseph Kerich is entitled to 5.812 Acres to be excised out of the Parcel of Land Known as Kericho/Kapsuser/285. The aforesaid Parcel is owned by the Estate of Ludia Taplule Cheptorus, deceased. It is also not in dispute that the portion due to the Late Joseph Kerich should be shared equally between his heirs Namely as follows:-Mary Korir.....1.162 AcresSimon Kiplangat Korir.....1.162 AcresGeoffrey Kipkemoi Korir.....1.162 AcresLeonard Kibet Korir.....1.162 AcresAlice Chepkemoi Kenyit.....1.162 Acres
 9. The aforesaid mode of sharing is clearly shown in the further Rectified Certificate of Confirmation of Grant dated 23rd May, 2024. The applicant has stated that she has in the past tried to have the further Rectified Certificate of Confirmation of Grant implemented in vain. She said that the Respondents vehemently resisted the move by threatening to cause violence.
 10. In view of the uncontroverted averments, I am convinced that the motion has merits, the same is allowed giving rise to issuance of the following Orders:-
 - i. The Respondents namely:-Mary Cherono,Simon Kiplang'at Korir,Geoffrey Kipkemoi Korir andLeonard Kibet Korir

Are hereby directed to execute the Mutation Forms and any other Land Registration Forms within 30 days from the date herein. In default, the Deputy Registrar of this Court is directed and authorized to execute the aforestated documents in place of the Respondents.
 - ii. The Officer Commanding Police Station, Sosiot Police Station is directed to provide security to the District Surveyor during his/her visit to Parcel No. Kericho/Kapsuser/285 for purposes



of surveying and subdividing the aforesaid Parcel of Land pursuant to the further Rectified Certificate of Confirmation of Grant dated 23rd May, 2024.

iii. Each party to meet their own costs.

DELIVERED, SIGNED AND DATED AT KERICHO THIS 26TH DAY OF FEBRUARY, 2025.

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J.K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Miss Cherono holding brief for Lang'at for Applicant

No Appearance for Birech for the respondent

