



In re Estate of Kipkosgei Arap Moita (Deceased) (Succession Cause 25 of 1995) [2025] KEHC 4009 (KLR) (28 March 2025) (Ruling)

Neutral citation: [2025] KEHC 4009 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 25 OF 1995
RN NYAKUNDI, J
MARCH 28, 2025**

IN THE MATTER OF THE ESTATE OF THE LATE KIPKOSGEI ARAP MOITA (DECEASED)

BETWEEN

CORNELIUS BUNGEI KIRORYO APPLICANT

AND

JOSEPH KIPSANG KOSKEI 1ST RESPONDENT

WILLIAM KIPCHIRCHIR KOSGEY 2ND RESPONDENT

MONICA RUTO 3RD RESPONDENT

RULING

1. On 21st August, 2024, this court issued a judgment determining that it lacked jurisdiction to adjudicate the remaining estate matter concerning the deceased's purported interest in the Molo farm. The court explicitly ruled that it did not possess the requisite jurisdictional authority to address matters related to the Molo farm property. In its determination, the court specifically noted the absence of evidentiary documentation establishing the deceased's ownership of the said farm. Consequently, the court concluded that the Molo farm could not be classified as part of the free estate subject to distribution in the current proceedings.
2. The parties have yet again approached this court with two separate applications seeking various reliefs. First in, was the Objector's application dated 14th October, 2024 expressed to be brought under the provisions of section 48 and 82 of the *Law of Succession Act* and Rules 49 and 73 of the Probate and Administration Rules, 1980. The Objector seeks orders as follows:
 - a. Spent
 - b. That this Honourable court be pleased to issue a conservatory order restraining the county surveyor Nandi from purporting to survey on 16th October, 2024 of parcel numbers



Nandi/Ollessos/636 and Nandi/ollessos/510 pending the hearing and determination of the application interparties.

- c. That this Honourable Court be pleased to issue an injunction restraining the 1st and 2nd Respondents and any other beneficiary who is not the administrator from purporting to distribute the estate of the deceased to the exclusion of the duly appointed administrators of the estate of the deceased pending the hearing and determination of this application interparties.
 - d. That there be stay of distribution of the estate of the deceased herein pending the determination of the question whether the Molo property forms part of the estate of the deceased herein.
 - e. That this Honourable Court be pleased to grant leave to the applicant to appeal against the ruling of this Honourable Court delivered on 20th August, 2024.
 - f. That the shares in Kibware PLC be shared equally among the 5 houses and included in the Certificate of Confirmation of grant as this was uncontested issue.
 - g. That costs of this application be provided for.
3. The summons was anchored on an affidavit sworn by Cornelius Bungei Kiroryo who deposed as follows:
- a. That I am an administrator of the estate of the deceased herein having been duly appointed pursuant to a grant of letters of administration intestate issues on 8th August, 2023.
 - b. That this Honourable Court delivered judgment on 20th August, 2024 on the issue of the Molo Property without notice to the parties.
 - c. That I am dissatisfied with the aforesaid judgment and I intend to appeal against it.
 - d. That upon delivery of the judgment the 1st and 2nd Respondents who are not administrators of the estate of the deceased have purported to carry out survey without consulting me as an administrator of the estate of the deceased.
 - e. That the 1st and 2nd Respondents have engaged the County Surveyor Nandi who has fixed 16th October, 2024 as the date for the survey.
 - f. That the actions of the 1st and 2nd Respondents are contrary to the law and their intentions is to have a choreographed distribution exercise that is disadvantageous to the other beneficiaries.
 - g. That given the ruling on the molo property it is my prayer that any distribution of the estate of the deceased be stayed pending the determination of the question whether the said property belongs to the estate of the deceased or not. c
4. In response to the application, Monica Ruto who identified swore a replying affidavit sworn on 21st November, 2024 and identified herself as a child of the deceased, a beneficiary of the estate, and one of two administrators.
5. Monica argued that there is no valid justification for including Joseph Kipsang Koskei (1st Respondent) and William Kipchirchir Kosgey (2nd Respondent) in this matter, suggesting they were included in bad faith. She states that the distribution of the estate was agreed upon by all beneficiaries through mutual consent, with no pending challenges against this agreement.



6. The distribution was recorded in court as a consent order on 23rd November, 2023, and subsequently adopted by the court, leading to a confirmed grant issued on 22nd November, 2023. Monica deposed that there is no legitimate reason to delay the beneficiaries' enjoyment of their portions of the estate.
7. She emphasized that she represents 28 out of 29 beneficiaries, with the Applicant being the only disgruntled party. She describes how the family had reached unanimous decisions during family meetings, which were recorded in court on 23rd November, 2023, and resulted in a confirmed grant.
8. Monica noted that the deceased passed away on 11th June, 1992, and the succession cause was filed on 31st January, 1995, but remained unresolved for decades. Initially, there was a disputed will, which was quashed by the court on 4th February, 2020. After numerous motions, the family reached a consent agreement through meetings, leading to the confirmed grant.
9. Regarding the Molo property specifically, Monica stated that:
 - a. The issue has always been treated as distinct from other estate assets.
 - b. The court's judgment of 21st August, 2024, determined that the Molo property does not qualify as "free property" of the deceased under the *Law of Succession Act*.
 - c. The court lacks jurisdiction over the Molo property, as land disputes fall under the Environment and Land Court's exclusive jurisdiction.
 - d. No evidence exists to establish that the deceased owned the Molo property.
 - e. Claims regarding the Molo property are speculative.
10. Monica cited that the court found no title, share certificates, proof of payment, or documents establishing the deceased's interest in the Molo property. She explained that the Molo parcel is partnership land registered to Kiptarus Arap Cheruiyot, developed using an AFC loan, and has since been subdivided with portions assigned to various individuals.
11. She emphasized that the beneficiaries are exhausted after a 32-year wait to distribute the estate since the deceased's passing in 1992 and argued that further delay is unjustified.
12. The Petitioners came in with an application dated 20th February, 2025 expressed to be brought under the provisions of Art. 159 (2)(d) of *the Constitution* of Kenya, section 47 of the *Law of Succession Act* and Rule 73 of the Probate and Administration Rules, Order 51 Rule 1 of the Civil Procedure Rules. He sought reliefs as follows:
 - a. Spent
 - b. That the firm of Terer & Company Advocates be allowed to come on record for the Petitioners/Applicants.
 - c. That the Uasin Gishu Land Surveyor be and is hereby directed to carry out subdivision in respect to Land Title No. Plateau Kipkabus Block 4 (Lelmokwo)/13 in furtherance of the implementation of the Distribution orders in the amended certificate of Grant herein issued by this Honourable Court on the 22nd November, 2023.
 - d. That the OCS Naiberi Police Station be and is hereby directed to provide enough security during the sub-division exercise by the Uasin Gishu Land Surveyor.
 - e. That this Honourable Court be pleased to grant any other or further orders it deems fit and expedient in best interests of Justice.



13. The application is based on the following grounds:
- a. That on 22nd November, 2023 this court issued an amended certificate of confirmation of grant on the agreed mode of distribution of the deceased estate.
 - b. That the applicants being the administrators to the estate of the late Kipkosgei Arap Moita Alias Kipkosgei Moita alias Kipkosgei S/O Moita (DCD) urgently need to finally distribute the estate.
 - c. That the applicants subsequently instructed the Uasin-Gishu County Surveyor to carry out the sub-division of Land Title No. Plateau Kipkabus Block 4(Lelmokwo)/13 in furtherance of the implementation of the distribution orders in the Amended Certificate of Grant herein issued by this Honourable Court on the 22nd November, 2023 but the Surveyors got unwarranted resistance from the Respondents.
 - d. That upon making an inquiry, they discovered that the Respondents claim to have purchased part of the said property from one of the beneficiaries namely John Kirwa Moita which claims are yet to be established the latter admits.
 - e. That it is necessary that the intended survey and subdivision be done in order for the respondents to ascertain the portion of the beneficiary that purportedly sold them to the exclusion of the others.

Analysis and determination

14. Having carefully considered the competing applications before this Court, and the affidavit evidence on record, I now turn to the substantive issues for determination. This succession matter has been before the courts for an inordinately long period, spanning nearly three decades since the demise of Kipkosgei Arap Moita in 1992. The Court notes with concern that despite a clear consent agreement recorded on 22nd November, 2023, which culminated in the issuance of an Amended Certificate of Confirmation of Grant, there have been persistent attempts to re-litigate settled matters and delay the final distribution of the estate.
15. The Court is mindful of its duty to ensure the expeditious resolution of succession matters while safeguarding the interests of all beneficiaries. It is equally cognizant of the need to respect and uphold validly recorded consent agreements absent compelling reasons to set them aside. With these principles in mind, I shall address each application on its merits.
16. I would wish to restate that the court has an absolute and unfettered discretion as to the granting or refusing of an injunction or stay of execution. What is of significance is to consider the competing interests and rights of the parties to the cause of action.
17. Starting with the application dated 14th October, 2024 seeking conservatory and injunctive reliefs, the law requires the applicant to show that it has a prima facie case with a probability of success in order to persuade the court to grant an interlocutory injunction in its favour. In the *Mrao Ltd Vs First American Bank of Kenya Ltd* [2003] eKLR, the Court of Appeal considered what prima facie case is and stated that “in civil cases it is a case in which on the material presented to the Court a tribunal properly directing itself will conclude that there exists a right which has apparently been infringed by the opposite party as to call for an explanation or rebuttal from the latter.”



18. In *Nguruman Limited v Jan Bonde Nielsen & 2 others* (2014) eKLR, the Court of Appeal agreed with the definition of a prima facie case in the *Mrao* case and stated:

“We adopt that definition save to add the following conditions by way of explaining it. The party on whom the burden of proving a prima facie case lies must show a clear and unmistakable right to be protected which is directly threatened by an act sought to be restrained, the invasion of the right has to be material and substantive and there must be an urgent necessity to prevent the irreparable damage that may result from the invasion. We reiterate that in considering whether or not a prima facie case has been established, the court does not hold a mini trial and must not examine the merits of the case closely. All that the court is to see is that on the face of it the person applying for an injunction has a right which has been or is threatened with violation. Positions of the parties are not to be proved in such a manner as to give a final decision in discharging a prima facie case. The applicant need not establish title it is enough if he can show that he has a fair and bona fide question to raise as to the existence of the right which he alleges. The standard of proof of that prima facie case is on a balance or, as otherwise put, on a preponderance of probabilities. This means no more than that the Court takes the view that on the face of it the applicant’s case is more likely than not to ultimately succeed.”

19. It is evident that at the heart of this prolonged succession matter lies a consent agreement recorded on 22nd November, 2023, which was subsequently formalized through an Amended Certificate of Confirmation of Grant issued on the same date. This consent represents the collective agreement of the beneficiaries on how the estate of the late Kipkosgei Arap Moita should be distributed. The court’s primary duty at this juncture is to determine whether there exists sufficient material to warrant interference with this validly recorded consent.
20. The standard for granting the orders sought by the Objector is well established in law. The Objector must demonstrate that they have a prima facie case with a probability of success, that they stand to suffer irreparable harm which cannot be adequately compensated by damages, and that the balance of convenience tilts in their favor. In cases where there is an existing consent agreement, the threshold is even higher. The Objector must present compelling evidence of fraud, misrepresentation, coercion, or some other vitiating factor that would render the consent invalid or unjust. Upon examining the material placed before me, I find that the Objector has not met this threshold. Unlike in cases where the distribution is court-imposed, here we have a scenario where the parties themselves, including the Objector, voluntarily agreed to the terms of distribution. The consent was not merely noted by the court but was incorporated into a formal Certificate of Confirmation of Grant. This distinction is significant and weighs heavily against disturbing the settled position without substantial justification.
21. This Court is mindful of Article 50 of *the Constitution* of Kenya, which guarantees every person the right to a fair hearing. This fundamental right extends to these proceedings where substantive property rights are in contention. The Court has carefully ensured that both sides have been accorded adequate opportunity to present their cases. Notably, all parties have been represented by counsel of their choice and have fully articulated their respective positions. While efficient administration of justice requires timely resolution of matters, particularly in succession cases that have lingered for decades, this must never come at the expense of procedural fairness. The Court has meticulously balanced these competing interests in reaching its determination, ensuring that the constitutional imperative of fair hearing has been upheld throughout these proceedings.
22. It is common ground the regime of succession law as enacted in 1981, it did import the provisions of Art. 10 of *the Constitution* on national values and principles of governance. It enjoins the probate



court to facilitate some form of public participation and inclusivity in the making of the Grant of representation in the intestate administration. In determining inclusivity in the design of the making of the Grant of representation, the court must take into account the subsidiary principles of generating the initial letter from the Area Chief in which the deceased was domiciled at the time of his/her death. Further reliance is placed on the consent which must be signed by the beneficiaries and sureties towards giving legitimacy to the party or beneficiary petitioning for the Grant of representation under section 66 of the operative legislation. That both testate and intestate probate must be acknowledged by the government printer who in turn must publish a notice of gazette in the Kenya Gazette notifying the public and the beneficiaries as the case may be that proceedings on succession to the estate of the deceased has been commenced so that anybody with a claim in that estate can file an objection within thirty days from the date of gazette. It is not in doubt that on grant of initial letters of administration, the administrators are mandated by law to file summons for confirmation of Grant or on before the expiry of six months with a specific reservation clause that there must be consent from all the beneficiaries entitled to inherit shares to be appropriated by the court within the provisions on the Act. Essentially that means that in every stage of the succession proceedings, the doctrine of the standard and burden of proof on a balance of probabilities for a claimant or plaintiff to secure judgment in favour of the adversary or the opposing party/defendant is not applicable on the aspects of matters adjudicated under the *Law of Succession Act*. The proceedings conducted before the probate court resulting in a Certificate of Confirmation of Grant is not regulated by the standard and burden of proof in civil law. It is also correct to state that the cannons of proof of beyond reasonable doubt is also not applicable in the context of a dispute or controversy in the Succession cause of action. There is a very clear procedure for redress of any particular grievances commonly referred to as objection proceedings to the making of the grant of intestate or testate administration. It is also not in doubt that in determining the question of stay of execution of a final decree in succession matters or leave to appeal, there must be evidence that certain provisions on distribution of the estate have been violated or infringed by the trial court.

23. An aspect worth emphasizing in this matter concerns who has legal authority to administer the estate. The court record clearly establishes that Cornelius Bungei Kiroryo (the Objector) and Monica Ruto (3rd Respondent) are the duly appointed administrators, having received letters of administration intestate on 8th August, 2023. The 1st Respondent (Joseph Kipsang Koskei) and 2nd Respondent (William Kipchirchir Kosgey) are not administrators and therefore have no legal authority to engage county surveyors or distribute any portion of the estate.
24. This court must emphasize in the strongest terms possible that only the duly appointed administrators have the legal authority to implement the distribution of the deceased's estate. Any attempt by unauthorized persons to distribute, subdivide, transfer, or otherwise deal with estate properties constitutes contempt of court and a direct violation of the *Law of Succession Act*. If indeed the 1st and 2nd Respondents have taken it upon themselves to engage county surveyors or initiate distribution of estate properties, such actions are not only legally void but potentially criminal.
25. However, while acknowledging these legal principles, the court must examine the evidence presented with a critical eye. The Objector, as one of the court-appointed administrators, bears significant responsibility in this matter. An Amended Certificate of Confirmation of Grant was issued on 22nd November, 2023, which ideally ripened the distribution of the estate. It is concerning that the Objector, rather than diligently executing these instructions, now seeks to delay the very distribution plan to which he previously consented.
26. This court observes with concern that such delays are often attributable to administrators who fail to act expeditiously on their duties. The beneficiaries have waited for nearly three decades since the



deceased's passing for the resolution of this matter. The issuance of the Amended Certificate should have prompted immediate action toward implementation, not further litigation. The standard for granting the extraordinary remedies sought by the Objector is necessarily high, and particularly so when the applicant seeks to deviate from a validly recorded consent agreement to which he was a willing party. The court must be vigilant against attempts to use procedural mechanisms to frustrate rather than facilitate the administration of estates.

On whether leave to appeal should be granted

27. The question of whether leave to appeal should be granted in succession matters has generated considerable jurisprudential discussion. It is trite law that there is no right of automatic appeal to the Court of Appeal on a decision where the high court is exercising original jurisdiction. In the case of *Rhoda Wairimu Karanja & Another -Vs- Mary Wangui Karanja & Another* [2014] eKLR, the Court of Appeal made the following observations with regards to appeals in succession matters against the decisions of the High Court exercising its original jurisdiction:

“We think we have said enough to demonstrate that under the *Law of Succession Act*, there is no express automatic right of appeal to the Court of Appeal; that an appeal will lie to the Court of Appeal from the decision of the High Court exercising original jurisdiction with leave of the High Court or where the application for leave is refused, with leave of this court. Leave to appeal will normally be granted where prima facie it appears that there are grounds which merits serious consideration. We think this is good practice that ought to be retained in order to promote finality and expedition in the determination of probate and administration disputes.”

28. In *John Mwita Murimi & 2 Others v. Mwikabe Chacha Mwita & Another* [2019] eKLR, the Court of Appeal re-affirmed this position by holding as follows:

“...Under the *Law of Succession Act*, there is no express automatic right of Appeal to the Court of Appeal from the decision of the High Court exercising original jurisdiction with leave of the High Court or where the application for leave is refused with leave of this court...” (sic)

29. In determining whether to grant leave to appeal, the court must examine whether the applicant has demonstrated prima facie grounds that merit serious judicial consideration. This requires more than mere dissatisfaction with the court's decision; it necessitates the identification of specific legal or factual errors that could potentially lead to a different outcome on appeal. Whilst it may be true that a party or a beneficiary has a right of appeal to the superior court, which is a constitutional process as per law established, it must be observed that points of law must be very clearly articulated by the mover on matters arising in the impugned ruling or judgment. The question I thus always ask myself is whether one beneficiary who has been involved in the making of the Grant of Letters of representation including the final decree in the form of a Certificate of Confirmation of Grant will so justify to limit the inheritance rights of the majority to the intestate or testate estate. The answer to me is in the negative for this is a regime of law in which the substantive provisions of the *Law of Succession Act* enjoined with Art. 10 of *the Constitution* on national values and principles of governance such a grievance will not pass the threshold of the law. If one was to import the value of public participation and inclusivity to the Law of Succession in the making of the grant of representation, then it means that each beneficiary or heir to the estate is mandated to promote and take steps to ensure fair and proportionate distribution of the estate. In essence every beneficiary is presumed to have the right and the opportunity without any differentiation or discrimination and without any unreasonable restriction to participate and contribute to the identification of the free assets survived of the deceased and the legitimate heirs to that



estate. It is now evident that Art. 27(4) of the Constitution is a constitutional imperative which begs to answer the issues which bedevil the adjudicatory process in succession matters. This court cannot overemphasize the necessity of equality and freedom from discrimination on inheritance rights. The formulation in (4) is as follows:

- “(4) the state shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.
- (5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).”

30. I find that in the practice of law under the law of succession, the emotional wounds of the dependants, or heirs or beneficiaries as defined under Section 29 of the Act are often deep, uncompromising and they are just as real and painful contributing majorly to the delay of litigating before a probate court within a reasonable time. The importance of appreciating the common law, our Law of Succession Act in light of our constitutional imperatives, is yet to be appreciated as a reality in our governance and the rule of law Architecture. In my own considered view, the various multi-ethnic culture and customary law in our Republic is not to be trapped within limitations of the past. These entrenched customs need to be revisited and revitalized with the spirit of constitutional values in Art. 10 with full regard to the purport and objects to the Bill of Rights. The Constitution 2010 mandates the Kenyan society to break clearly and decisively from the past where institutions which operated prior to our constitution dispensation suffered a deficit on the human rights discourse. It is therefore the duty of this court in adjudicating disputes under the Law of Succession, to develop the law, in true fidelity to the ethos of the transformative constitutional democratic society. This process also requires faith from the Kenya people to accept the moral parity and equal dignity of constitutionalism.
31. From time to time I have been involved in this litigation faced with a set of facts and within the four corners of the petition on identification of assets and beneficiaries, there has never been any major contestation. The precise ambit of it was even more clarified during the mediation facilitation which culminated into an agreement. It therefore holds true that the legitimate expectation by this court is for the administrators to file a final probate account by dint of section 83(g) of the Law of Succession Act. That does not seem to be the case and deducible from the face of the record. One or more beneficiaries continue to agitate for a re-litigation on the same set of facts as if it is a new cause of action. As I see it, if the court was to follow that route, the enforcement of inheritance rights for the rest of the beneficiaries would remain in a pipe dream.
32. However, I am obligated to consider the present application and its significance. In summation, a review of the evidential material placed before this court and the entirety of the record, the Objector has not demonstrated any prima facie grounds that merit serious judicial consideration, the court's ruling of 20th August, 2024 regarding the Molo property was based on sound legal principles concerning jurisdictional limitations and the absence of evidentiary documentation establishing the deceased's ownership. The Objector has not identified any specific legal or factual error in that determination. Furthermore, the court notes that land disputes fall under the exclusive jurisdiction of the Environment and Land Court.
33. Interestingly, reference is also made by the applicant as regards to publication of judgments and absence of notice as some of the grounds to stay the enforcement and execution of the judgment of this court. The rules of the court now make abundantly clear that publication of judgments through the E-Portal commonly known as CTS is sufficient authority on notification. This does not mean watering down



the provisions of the Civil Procedure Act and Rules on Pronouncements of judgments and rulings. The applicant has not shared with the court how he accessed the information on the existence of the decision of this court to settle down and point out the deficiencies or omission vested in the impugned decision. To my mind it is of significance that the court did not express an alternative opinion on the substantive dispute but was entitled to adopt the recourse on the mediation agreement. I also disagree that the execution of a judgment born out of mediation should not take place. In my view, this is not compatible with the letter and spirit of the mediation forum as stipulated in Art. 159 (2) (c) of the Constitution and other enabling statutes.

34. Turning now to the Petitioners' application dated 20th February, 2025, this Court finds compelling merit in directing the implementation of the distribution orders as contained in the Amended Certificate of Confirmation of Grant. The application specifically seeks to have the Uasin Gishu Land Surveyor carry out subdivision of Land Title No. Plateau Kipkabus Block 4 (Lelmokwo)/13 in furtherance of the distribution orders. I am of the considered view without delving much into it that it is entirely consistent with the administrators' duty to execute the confirmed grant and aligns with the mediation agreement recorded on 22nd November, 2023.
35. The evidence presented indicates that the administrators have attempted to engage the Uasin-Gishu County Surveyor to carry out the necessary subdivision but encountered unwarranted resistance. The court views such resistance as an unjustified impediment to the proper administration of the estate. The subdivision process is an essential step in implementing the distribution orders, enabling the beneficiaries to finally receive their respective portions of the estate after an extraordinarily prolonged wait of 32 years since the deceased's death.
36. The Petitioners' request for security during the subdivision exercise is reasonable given the contentious history of this matter and the resistance already encountered. The presence of security personnel will ensure that the subdivision proceeds without disruption, allowing the surveyors to perform their professional duties unimpeded. This measure serves the interests of all legitimate beneficiaries by facilitating the orderly implementation of the court-confirmed distribution plan.
37. Upon careful consideration of the competing applications, and having found that the Objector has failed to establish any grounds that would warrant interference with the validly recorded consent formalized through the Amended Certificate of Confirmation of Grant, this Court hereby dismisses the application dated 14th October, 2024 in its entirety with costs to the Respondents. Conversely, the Court allows the Petitioners' application dated 20th February, 2025 and directs the Uasin Gishu Land Surveyor to proceed with the subdivision of Land Title No. Plateau Kipkabus Block 4 (Lelmokwo)/13 in accordance with the distribution orders in the Amended Certificate of Grant. The OCS Naiberi Police Station is further directed to provide adequate security during the subdivision exercise to ensure the orderly implementation of the court-confirmed distribution plan. The Court emphasizes that this succession matter has persisted for an unconscionable period, and it is in the interests of justice that the beneficiaries finally receive their rightful inheritance without further delay as they await to settle the question of the Molo property. Fortunately, there are no exceptional circumstances of a serious nature that would be done to the applicant seeking stay of execution or some kind of freezing injunction to the impugned decision of this court for discretion to be exercised in his favour.
38. Being of the view as discussed elsewhere in this ruling, my conclusion is that I should exercise my discretion by making the following declarations:
 - a. The application for stay of execution of Certificate of Confirmation of Grant dated 14th October, 2024 pending appeal is denied.



- b. That the prayers in consonant to the motion dated 20th February, 2025 in so far as transmission of the shares to the beneficiaries are concerned, the Officer Commanding Station Naiberi Police station do provide security detail to the surveyor who has been identified to carry out the scheme of distribution tailored in the making of a mutation of the aforesaid identified immovable assets in the decree of this court.
- c. That in this regard, the security costs for this undertaking by the surveyor be charged to the estate account

39. It is so ordered.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 28TH DAY OF MARCH 2025

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R. NYAKUNDI

JUDGE

Katwa & Kemboy Advocates

Bitok & Sambu Advocates

