



REPUBLIC OF KENYA



**In re Estate of Kiplangat Chesimet (Deceased) (Succession Cause 65 of 2018) [2025] KEHC 5064 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5064 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BOMET  
SUCCESSION CAUSE 65 OF 2018  
JK NG'ARNG'AR, J  
APRIL 29, 2025**

**IN THE MATTER OF THE ESTATE OF KIPLANGAT CHESIMET (DECEASED)**

**BETWEEN**

**ESTHER CHEPKIRUI LANGAT ..... 1<sup>ST</sup> PETITIONER**

**REUBEN BETT ..... 2<sup>ND</sup> PETITIONER**

**AND**

**JAMES KIPKOSGEI LANGAT ..... 1<sup>ST</sup> OBJECTOR**

**SOPHIA CHEPKIRUI LANGAT ..... 2<sup>ND</sup> OBJECTOR**

**RULING**

1. This Ruling is in respect to two succession causes i.e. succession cause 65 of 2018 (estate of Kiplangat Chesimet (deceased) and succession cause number 64 of 2018 (estate of Tapnyobi w/o Chesimet (deceased)). On 19<sup>th</sup> June 2023, this court directed that both succession causes be heard together.

**Succession Cause Number 65 of 2018**

2. This succession cause related to the estate of Kiplangat Chesimet (deceased). Kibet Langat as the deceased's son petitioned for Letters of Administration on 19<sup>th</sup> October 2018. In his Petition, Kibet Langat stated that the deceased was survived by: -

1<sup>st</sup> House

i. Rachel Chemutai Langat Daughter in law

ii. Sofia Chepkirui Langat Daughter in law

2<sup>nd</sup> House



- i. Kibet Arap Langat Son
  - ii. Johnstone Kipngeno Langat Son
  - iii. Paul K. Langat Son
  - iv. James Kipkoske Langat Son
  - v. William Kiptonui Langat Son
  - vi. Wilson Kipkoech Langat Son
  - vii. George Kipkurui Langat Son
3. Kibet Langat listed the deceased's estate as Kericho/Chesoan/406, Kericho/Chesoan/1696, Kericho/Chesoan/1699 and Kericho/Chesoan/68. He further listed the estate's liabilities as David Bunei, Nickson Kipyegon Ngetich, Geoffrey Kiplangat Bett, Leonard Yegon and Eliud Kirui, all purchasers of portions of the estate.
  4. A Grant was issued to Kibet Langat as the administrator on 24<sup>th</sup> April 2019. However, upon his demise, his name was substituted and replaced by Reuben Bett and Esther Chepkirui Langat. A Grant was then issued in the names of Reuben Bett and Esther Chepkirui Langat on 19<sup>th</sup> October 2022.
  5. Esther Chepkirui Langat filed Summons for Confirmation of Grant on 15<sup>th</sup> November 2022 where she attached her proposed mode of distribution.
  6. An Objection dated 20<sup>th</sup> December 2022 was filed by James Kipkosgei Langat. He stated that he was the deceased's son and stated that the substitution of the administrators was made irregularly as the other beneficiaries were neither consulted nor gave their consent and that they only learnt of the same after perusing the court record. That Esther Chepkirui Langat misled only obtained consent from her own children. The objector further stated that after the former administrator passed on, they sat down as a family and appointed Rachel Chemutai Langat (widow), Rebecca Chebii Chesimet and himself as the administrators of the estate.
  7. It was the Objector's case that they were opposed to the 1<sup>st</sup> Petitioner's proposed mode of distribution as the estate had already been subdivided amongst the beneficiaries and the boundaries were still in place to date. That the 1<sup>st</sup> Petitioner's mode of distribution sought to grant some beneficiaries more acreage than they currently possessed and resided in. It was his further case some of the beneficiaries were not included in the 1<sup>st</sup> Petitioner's proposed mode of distribution. The 1<sup>st</sup> Objector attached his proposed mode of distribution.
  8. David Kipkorir Bunei filed his Affidavit in opposition to the 1<sup>st</sup> Petitioner's mode of distribution and the same was dated 19<sup>th</sup> June 2023. He stated that he was a purchaser in the deceased's estate having purchased a total of 3.9 acres from Daniel Rono, Wesley Rono, Stanley Rono, Wilson Rono, Mary Rono, Recho Langat and Kibet Langat. That he had extensively developed the land by planting tea bushes and the 1<sup>st</sup> Petitioner's proposed mode of distribution excluded him as a liability to the estate.
  9. A second summons for confirmation of Grant dated 13<sup>th</sup> November 2024 was filed by Rachel Chemutai Langat, James Kipkosgei Langat and Rebecca Chebii Maritim. They attached their proposed mode of distribution and further stated that the deceased left the following dependants: -
    - i. Recho Chemutai Langat Daughter in law
    - ii. Sophia C. Langat Daughter in law



- iii. Paul Langat (deceased) Son
  - iv. Esther Chepngetich Langat Daughter in law
  - v. James Kipkoske Langat Son
  - vi. William Kiptonui Langat Son
  - vii. Wilson Kipkoech Langat Son
  - viii. George Kipkirui Langat Son
  - ix. Stephen Kibet Langat (deceased) Son
  - x. Esther Langat Daughter in law
  - xi. Rebecca Langat Daughter in law
  - xii. Eunice Chelangat Langat Daughter in law
  - xiii. Johnstone Kipngeno Langat (deceased) Son
  - xiv. Grace Chepkurui Langat Daughter in law
  - xv. Rebecca Chebii Chesimet Daughter
  - xvi. Judy Chepkorir Chesimet Daughter
10. Sophia Chepkirui Langat (2<sup>nd</sup> Objector) filed an Objection dated 1<sup>st</sup> October 2024. She stated that she was the wife of Samuel Langat (deceased) who was the son of Kiplangat Chesimet (deceased). She stated that some beneficiaries were not consulted on the mode of distribution. That the beneficiaries have now consulted and wanted to put this matter to rest and she annexed her proposed mode of distribution.
11. The 2<sup>nd</sup> Objector stated that the deceased left behind two widows, i.e. Grace Tamilgo Chesimet (deceased) from the 1<sup>st</sup> house and Rose Chemarus Chesimet (deceased) from the 2<sup>nd</sup> house. She further stated that the deceased was survived by the following dependants: -
- 1<sup>st</sup> House.
    - i. Kiprono Langat (deceased) Son
    - ii. Tapnyobi Kisortich (deceased) Daughter
    - iii. Tapsabei Tangus (deceased) Daughter
    - iv. Sarah Kirui
    - v. Esther Marindany
  - 2<sup>nd</sup> House
    - i. Kibet Langat (deceased) Son
    - ii. George Langat Son
    - iii. Johnstone Langat (deceased) Son
    - iv. Rusi Marindany Daughter



- v. Paul Langat (deceased) Son
- vi. James Langat Son
- vii. William Langat Son
- viii. Wilson Langat Son

12. In this matter (Bomet High Court Succession Cause number 65 of 2018), there were two objections that were up for determination.

### **Succession Cause Number 64 of 2018**

13. This succession cause related to the estate of Tapnyobi w/o Chesimet (deceased). Eunice Chelangat Langat as the deceased's daughter in law petitioned for Letters of Administration on 19<sup>th</sup> October 2018. In her Petition, Eunice Chelangat Langat stated that the deceased was survived by: -

- i. Eunice Chelangat Langat Daughter in law
- ii. Rusi Cheruto Kirui Daughter
- iii. Sarah Chepkoech Chepkulul Daughter
- iv. Wiliter Cheronno Daughter
- v. Rebecca Chebii Daughter
- vi. Linner Chelangat Daughter
- vii. Judy Chepkorir Daughter
- viii. Janeth Cheptonui Daughter

14. Eunice Chelangat Langat listed the deceased's estate as Kericho/Chesoan/406 and Kericho/Chesoan/71. She further listed the estate's liabilities as Johnstone Kipngeno Langat and Nickson Kipyegon Ngetich, all purchasers of portions of the deceased's estate.

15. A Grant was issued to Eunice Chelangat Langat as the administrator on 24<sup>th</sup> April 2019. Eunice Chelangat Langat filed Summons for confirmation of Grant on 15<sup>th</sup> November 2022 where she attached her proposed mode of distribution. In her affidavit dated 7<sup>th</sup> November 2022, Eunice stated that the deceased and Kiplangat Chesimet were both registered owners of Kericho/Chesoan/406. She further stated that Judy Chepkorir, Janeth Cheptonui and Rebecca Chebii as beneficiaries to the deceased's estate, refused to sign the consent form.

16. James Kiplangat Langat filed his protest dated 20<sup>th</sup> December 2022. He stated that Kericho/Chesoan/406 was registered in the name of his late father, Kiplangat Chesimet and Tapnyobi w/o Chesimet (deceased) and that he opposed Eunice Chelangat's proposed mode of distribution. That Kiplangat Chesimet (deceased) in his lifetime subdivided the said parcel and it was consented to by Tapnyobi w/o Chesimet (deceased).

17. It was James Kiplangat Langat's case that Eunice Chelangat had allocated herself 10 acres of Kericho/Chesoan/406 despite only occupying 5 acres. He prayed that the distribution of Kericho/Chesoan/406 be dealt with in Bomet High Court Succession Cause Number 65 of 2018.



18. Rebecca Chebii Chesimet filed a similar protest to James Kiplangat Langat and relied on the same grounds. She further stated that Eunice Chelangat proposed mode of distribution would disinherit Judy Chepkorir of her entire parcel.
19. I have the considered the records of succession causes 64 and 65 of 2018, the Petitioners' written submissions dated 4<sup>th</sup> March 2025 and the Protestor's written submissions dated 1<sup>st</sup> October 2024.
20. In analysing both succession causes, it is clear to this court that Kiplangat Chesimet (deceased) and Tapnyobi w/o Chesimet were the owners of Kericho/Chesoan/406. However, the relationship between the two deceased was unclear and the beneficiaries did not shed any light on this matter as the listed widows of Kiplangat Chesimet (deceased) according to Sophia Chepkirui Langat were Grace Tamilgo Chesimet (deceased) and Rose Chemarus Chesimet (deceased).
21. I have noted that the beneficiaries of the estate of Kiplangat Chesimet (deceased) were not genuine in their attempts to distribute the deceased's estate. Kibet Langat (deceased) as the first administrator did not file the exhaustive list of beneficiaries of the deceased's estate. The 1<sup>st</sup> Objector stated his sisters, Sarah C. Kirui, Esther Maritim, Elizabeth Chesimet and Rusi Marindany were not included in the Petitioner's list of beneficiaries. These names were also contained in the 2<sup>nd</sup> Petitioner's (Sophia Langat) list of beneficiaries in her proposed mode of distribution.
22. I have also noted that the process of substituting Kibet Langat as the administrator was impugned by the 1<sup>st</sup> Objector, James Kipkosgei Langat. He stated that Esther Langat did not get consent from all the beneficiaries but instead got consent from her children including Reuben Terer and misled the court that she had obtained consent. James Kipkosgei Langat stated that after the first administrator had passed on, the family sat down and appointed Rachel Chemutai Langat, Rebecca Chebii Chesimet and James Kipkosgei Langat as the administrators of the deceased's estate.
23. What was interesting to this court was that the summons for confirmation of Grant was filed twice. One by the legally appointed administrators, Reuben Terer and Esther Langat dated 7<sup>th</sup> November 2022 and the second one by Rachel Chemutai Langat, Rebecca Chebii Chesimet and James Kipkosgei Langat, the self-appointed administrators. I have also taken note that during the petitioning for Letters of Administration, the then Petitioner acknowledged that the deceased's estate had liabilities in the form of purchasers but they were not factored in in any of the proposed modes of distribution.
24. In regards to succession cause number 64 of 2018, the petitioner, Eunice Chelangat Langat acknowledged that she did not obtain consent from Judy Chepkorir, Janeth Cheptonui and Rebecca Chebii who were all beneficiaries of the deceased's estate. She did not also include all the beneficiaries of the deceased's (Tapnyobi w/o Chesimet) in her proposed mode of distribution.
25. Before this court proceeds to matters distribution, it is the view of this court that the succession proceedings so far have been muddied by concealment of facts, misrepresentation and deceit. This court is at pains to even decipher the deceased's' estate and their beneficiaries. The beneficiaries are engaged in shadow boxing and are determined to outdo each other in the battle for the deceased's' estate. In my view, parties that approach the court with unclean hands do not deserve equity. To proceed with distribution without addressing the legality or illegality of the process that got us here would be to perpetuate an injustice and would go against the purpose of the succession court which is to legally and equitably distribute the free property of a deceased's person.
26. As evidenced by the analysis above, the Grant issued to Eunice Chelangat Langat on 24<sup>th</sup> April 2019 (in succession cause 64 of 2018) and the one issued to Reuben Bett and Esther Chepkirui Langat on



19<sup>th</sup> October 2022 have been impugned. Consent was not obtained from all the beneficiaries and this had led to the numerous Objections filed in both succession causes.

27. This court is aware that the matter was up for distribution of the deceased's estate, but in the interest of justice, it is the view of this court that the matter has to begin afresh and every beneficiary brought onboard. The process of obtaining the Grant also has to be lawful ab initio. To that effect, the law allows this court on its own motion to revoke a Grant. Section 76 of the Law of Succession Act states that: -

A grant of representation, whether or not confirmed, may at any time be revoked or annulled if the court decides, either on application by any interested party or of its own motion-

- (a) that the proceedings to obtain the grant were defective in substance;
- (b) that the grant was obtained fraudulently by the making of a false statement or by the concealment from the court of something material to the case;
- (c) that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant notwithstanding that the allegation was made in ignorance or inadvertently;
- (d) that the person to whom the grant was made has failed, after due notice and without reasonable cause either-
  - (i) to apply for confirmation of the grant within one year from the date thereof, or such longer period as the court order or allow; or
  - (ii) to proceed diligently with the administration of the estate; or
  - (iii) to produce to the court, within the time prescribed, any such inventory or account of administration as is required by the provisions of paragraphs (e) and (g) of section 83 or has produced any such inventory or account which is false in any material particular; or
- (e) that the grant has become useless and inoperative through subsequent circumstances.

28. Mwita J. in Albert Imbuga Kisigwa v Recho Kavai Kisigwa [2016] KEHC 1528 (KLR) held: -

“Power to revoke a grant is a discretionary power that must be exercised judiciously and only on sound grounds. It is not a discretion to be exercised whimsically or capriciously. There must be evidence of wrong doing for the court to invoke section 76 and order to revoke or annul a grant. And when a court is called upon to exercise this discretion, it must take into account interests of all beneficiaries entitled to the deceased's estate and ensure that the action taken will be for the interest of justice.”

29. In the end and in the exercise of my discretionary power, the Grant issued to Eunice Chelangat Langat on April 24, 2019 (in succession cause 64 of 2018) and the one issued to Reuben Bett and Esther Chepkirui Langat on October 19, 2022 are hereby revoked. Each party will bear their costs of the Application.

**RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 29<sup>TH</sup> DAY OF APRIL, 2025.**

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**HON. JULIUS K. NG'ARNG'AR**

**JUDGE**

Ruling delivered in the presence of Mr Mugumya for the Petitioners, N/A for the Objectors advocate. Siele/  
Susan (Court Assistants).

