



REPUBLIC OF KENYA



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**In re Estate of Kipruto arap Towet (Deceased) (Succession Cause
77 of 2016) [2025] KEHC 4952 (KLR) (28 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 4952 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
SUCCESSION CAUSE 77 OF 2016
JK NG'ARNG'AR, J
APRIL 28, 2025**

BETWEEN

CATHERINE CHEPNGENO TOWETT PETITIONER

AND

JULIANA TOWEY 1ST OBJECTOR

KIPNGETICH RUTO 2ND OBJECTOR

JUDGMENT

1. The Petitioner petitioned for Letters of Administration Intestate for the estate of Kipruto Arap Towet on 26th September 2016. She petitioned in her capacity as the widow and the deceased's estate was known as Kericho/itembe/486.
2. A Grant was issued to the Petitioner on 23rd February 2017. The Petitioner then filed Summons for Confirmation of the Grant on 24th July 2017 together with her proposed mode of distribution. She stated that the deceased was survived by: -
 - i. Catherine Chepngeno Towet Widow
 - ii. Joseph Kipkirui Rutho Son
 - iii. Cecilia Cherono Ngeno Daughter
 - iv. Kibet Ruto John Son
 - v. Rubina Chepkoech Tuei Daughter
 - vi. Hellen Chepkorir Rotich Daughter
 - vii. Charles Kiplangat Rutto Son
 - viii. Josephine Chepkurui Chepkwony Daughter



3. On 22nd September 2017, this court confirmed the Grant dated 23rd February 2017 and a Certificate of Confirmation of Grant was issued on 22nd September 2017. The Petitioner filed Summons for Rectification of Grant dated 1st June 2021 seeking to rectify the name of one beneficiary, Johana Kibet Ruto. The same was allowed and a Rectified Certificate of Confirmation of Grant was issued on 7th July 2021.
4. The 1st petitioner filed an Application dated 14th September 2021 where she sought the following orders: -
 - I. The Grant of Letters of Administration issued to the Petitioner, Catherine Chepngeno Towet on 23rd February 2017 and confirmed on 22nd September 2017 be revoked and/or annulled.
 - II. That the transfer and/or subdivision of the estate known as Kericho/itembe/486 be cancelled.
 - III. That the title to Kericho/itembe/2994, Kericho/itembe/2995, Kericho/itembe/2996, Kericho/itembe/2997, Kericho/itembe/2998 and all other resultant titles that arise from the subdivision of the estate known as Kericho/itembe/486 be nullified and the same be reverted to Kericho/itembe/486.
5. The Application was brought under section 76 of the *Law of Succession Act* and Rule 44 of the Probate and Administration Rules. The Application was based on the grounds on the face of the Application and further by the annexed Supporting Affidavit of Julian Towet sworn on 14th September 2021.

The 1st Objector's case

6. The Objector stated that the deceased was the registered owner of Kericho/itembe/486 and that when he died, he left behind two wives and several children thus: -

1st Household

- i. Catherine Chepngeno Towet Widow
- ii. Joseph Kipkirui Ruto Son
- iii. Cecilia Cheronon Ngenon Daughter
- iv. Johana Ruto Son
- v. Rubina Chepkoech Tuei Daughter
- vi. Hellen Chepkorir Rotich Daughter
- vii. Vitalis Ruto Son
- viii. Josephine Chepkurui Chepkwony Daughter

2nd Household

- i. Juliana Towet Widow
- ii. Evaline Bett Daughter
- iii. David Ruto Son
- iv. Winny Mutai Daughter
- v. Mercy Chirchir Daughter



- vi. Geoffrey Ruto Son
 - vii. Peter Ruto Son
 - viii. Daisy Chebet Daughter
 - ix. Daniel Ruto Son
7. It was the 1st Objector's case that the Petitioner failed to cater for the beneficiaries from the 2nd household during distribution of the estate. That she only made provision for three children out of the deceased's fifteen children and further failed to provide for the daughters of the deceased. It was the 1st Objector's case that the Petitioner deliberately and fraudulently concealed material facts while obtaining the Grant.
 8. The 1st Objector stated that the Petitioner did not seek consent from all the beneficiaries while obtaining the Grant.
 9. The 1st Objector filed a Further Affidavit dated 17th February 2022 where she stated that on 7th September 2014 a meeting was held to resolve the land dispute between her and the Petitioner and it was agreed in the meeting that the deceased's estate be shared equally between the Petitioner and the 1st Objector. That the Petitioner proceeded to subdivide the deceased's estate into five parcels being Kericho/itembe/2994, Kericho/itembe/2995, Kericho/itembe/2996, Kericho/itembe/2997 and Kericho/itembe/2998.
 10. It was the 1st Objector's case that her son, Geoffrey Kibet cited the Petitioner to file the present Succession Cause and the court ordered the Petitioner to file the Succession Cause within 30 days, failure to which the citor, Geoffrey Kibet would be at liberty to file the same. That in her response to the Citation, the Petitioner and her three sons (citees) did not challenge the legality of the Chief's Letter which indicated that the deceased had two wives and further they did not appeal the Ruling in the Citation. It was her further case that she was still relying on the same Letter from the Chief.
 11. The 1st Objector stated that she lived on the deceased's estate for many years and later left to stay with the deceased at Tinet in Nakuru County. That prior to the deceased's death, she lived with the Petitioner in the deceased's land for over 30 years before she moved to Tinet in a parcel of land that the deceased had acquired. She further stated that she currently had one acre from the deceased's estate which was currently being occupied by her son, David Ruto.
 12. It was the 1st Objector's case that she currently resides in a separate parcel of land due to the animosity exhibited by the petitioner. It was her further case that she participated in the deceased's burial and that the Petitioner and her family were aware of their claim as they had earlier filed a Citation in this court.

Response

13. The Petitioner filed a Replying Affidavit dated 9th May 2022 where she stated that she was the only widow to the deceased. That she got married to the deceased in the year 1950 and were blessed with seven children. She further stated that the deceased did not marry any other wife during his lifetime until his death on 16th August 2012.
14. It was the Petitioner's case that they had cohabited with the deceased for over 62 years and the 1st Objector had not set foot on the deceased's land. That her children were not beneficiaries of the deceased's estate. It was her further case that she had not concealed any material facts from the court while she obtained the Grant.



15. The Petitioner stated that the 1st Objector did not attend the deceased's funeral and she only became aware of the 1st objector's claim through the current succession proceedings. She further stated that the Chief's Letter which disclosed that the deceased had two widows and the purported Minutes were procured fraudulently.
16. The court ordered that the Objection be heard through viva voce evidence.
17. The 1st Objector's case has been captured earlier in this Ruling. David Kipkemoi Kener testified as the 1st Objector's second witness. He testified that he was a village elder and knew the deceased as a resident of Itembe. He testified that the deceased married the Petitioner and the 1st objector and that both wives were blessed with seven children.
18. It was David Kener's testimony that the deceased lived harmoniously with the Petitioner and the 1st Objector. It was his further testimony that the 1st Objector's elder son, David Ruto occupied one acre of the deceased's estate. David testified that the deceased took the 1st Objector to Tinnet where they lived together until they returned.
19. David Kener testified that when the issue of the subdivision of the deceased's land arose, a meeting resolved that the deceased's land was to be shared equally between the two wives.
20. David Kipkoech Ruto testified as the 1st Objector's third witness. He testified that he was the son of the deceased and the 1st Objector and that he stayed with the 1st objector in Kericho/itembe/486 until his father moved to Ndoinet within Nakuru County. He further testified that he remained in Itembe where he was in occupation to date and has a constructed his house and further that the Petitioner was her elder mother.
21. It was David Ruto's testimony that the parcel that he occupies belonged to the 1st Objector. It was his further testimony that he was not aware that the current succession proceedings had been filed. David testified that during their circumcision, the Petitioner took care of them.
22. David Ruto testified that they participated in their father's funeral and even carried his coffin to the graveside. He further testified that the deceased in his lifetime divided his land equally among the two wives and that the Petitioner's eldest son had occupied their portion and disposed part of it to third parties.
23. When David was cross examined, he reiterated that the deceased had two wives and that the Petitioner even took care of the 1st Objector's sons when they got circumcised. He further reiterated that the 1st Objector's elder son lived on an acre of the deceased's land. David's testimony remained uncontroverted after cross examination.
24. Pauline Cheroni Kosgei testified as the 1st Objector's fourth witness. She testified that she was the deceased's sister and that the 1st Objector was the deceased's younger wife and that the Petitioner and the 1st Objector were present in the deceased's burial.
25. It was Pauline's testimony that the deceased introduced to her the 1st Objector as his wife and they lived harmoniously in Itembe until the deceased and the 1st Objector moved to Ndoinet in Nakuru County where they continued living as husband and wife. It was her further testimony that the deceased's and 1st Objector's son, David Ruto lived in Kericho/itembe/486.
26. Pauline testified that during the deceased's funeral, all family members including the 1st Objector and her children were introduced as the deceased's family and no objection was raised. She further testified that the Petitioner and her family have taken over all the land and divided it amongst



- themselves and have excluded the 2nd household. Pauline’s testimony remained uncontroverted after cross examination.
27. Richard Arap Towet testified as the 1st Objector’s fifth witness. He testified that he was the 1st Objector’s brother and that the Petitioner was the 1st Objector’s co-wife. He further testified that after the deceased had married the Petitioner, the deceased sent elders to their home to request his parents to allow him marry the 1st Objector.
 28. It was Richard’s testimony that the deceased married the 1st Objector in a traditional ceremony which he attended. It was his further testimony that the deceased and the 1st Objector lived harmoniously until his death. Richard testified that the deceased later took the 1st Objector to Ndoinet where they continued living as husband and wife.
 29. Richard testified that Petitioner took care of the 1st Objector’s sons during circumcision and further when the 1st Objector’s daughters were married, the deceased received dowry and no issue was raised. Richard’s testimony remained uncontroverted after cross examination.
 30. Geoffrey Kibet Ruto testified as the 1st Petitioner’s sixth witness. He testified that he was the son to the deceased and the 1st Petitioner and that he stayed with his mother and father in Ndoinet, Nakuru County. He further testified that they had lived peacefully with the Petitioner’s family for a long time.
 31. It was Geoffrey’s testimony that they participated in the deceased’s funeral where they were introduced as the deceased’s family. It was his further testimony that the 1st Objector took care of the deceased prior to his death and further that David Ruto (his brother) resided on their portion of Kericho/itembe/486.
 32. Geoffrey testified that he filed Bomet Citation Number 1 of 2016 where the court directed the Petitioner to file a succession cause but the Petitioner secretly filed the succession cause and did not involve the second household.
 33. In her submissions dated 19th February 2025, the 1st Petitioner submitted that the Petitioner’s case was full of inconsistencies. That the Petitioner stated that she knew of the 1st Petitioner when she filed her Application in court but during cross examination, she testified that at the time of the funeral, she knew of the 1st Petitioner as an ordinary person.
 34. It was the 1st Objector’s submission that Joseph Masie who was supposed to corroborate the Petitioner’s case stated that he knew that the deceased used to travel to Ndoinet and spend days there. That David Ruto, Paulina Cherono and Geoffrey Ruto corroborated the 1st Objector’s position that the deceased travelled to Ndoinet. It was the 1st Objector’s submission that she called the deceased’s immediate neighbour (Kipkemoi Kener) and sister (Paulina Cherono) while the Petitioner called Joseph Masie who was a distant relative and who moved to Olbutyo in the year 1982. That Joseph Masie’s testimony was based on the few occasions that he would visit the deceased.
 35. The 1st Objector submitted that the Petitioner concealed material facts from the court as she failed to disclose that the deceased was married to two wives and further failed to provide for them in the distribution of the deceased’s estate. That she produced overwhelming evidence showing that she was the deceased’s second wife. I
 36. It was the 1st Objectors’ submission that she was the deceased ‘s second wife. That she was married under the Kipsigis Customary Law and the ceremony was witnessed by Richard Towet. That together with her children, they were beneficiaries of the deceased’s estate as envisaged by section 29 of the [*Law of Succession Act*](#). It was her further submission that she resided in Kericho/itembe/486 and this position was supported by David Kener who was the Village Elder and deceased’s neighbour.



37. It was the 1st Objector's submission that after this court revokes the Grant, it should cancel all resultant titles that emanated from subdividing Kericho/itembe/486.
38. On the other hand, the Petitioner testified as the first Petitioner's witness. She testified that she got married to the deceased in the year 1950 and was blessed with 7 children. She further testified that the deceased did not marry any other wife.
39. It was the Petitioner's testimony that the 1st Objector have never resided on the deceased's land and that her children were strangers to the estate. It was her further case that the 1st Objector forged the Eulogy and Funeral Programme annexed in their Affidavit in an attempt to mislead this court. She further testified that the 1st Objector annexed in her Affidavit were scanned and showed different scenes of the environment.
40. The Petitioner testified that there was no meeting held to deliberate on any issue touching the deceased's land and that the purported Minutes that arose from said meeting were fraudulent. She further testified that the Assistant Chief's Letter dated 15th July 2015 and 13th August 2014 were also procured fraudulently.
41. It was the Petitioner's testimony that she did not take care of the 1st Petitioner's children during circumcision and that the 1st Objector's son, David did not reside on the deceased land as only her children occupied the said land. The Petitioner further stated that she knew Pauline Cherono Kosgei as her sister -in- law and that the deceased never went to Ndoinet.
42. Joseph Cheruiyot testified as the Petitioner's second witness. He testified that he was the deceased's cousin and that the 1st Objector was not the deceased's second wife. He further testified that the deceased remained in Itembe until he died.
43. It was Joseph's testimony that no meeting was convened to deliberate any dispute involving the deceased's land. It was his further testimony that the Eulogy and Funeral Programme annexed by the 1st Petitioner was procured fraudulently and that the 1st Objector and her family did not attend the funeral. That the Objector's claim only arose after the deceased died.
44. Joseph testified that the Assistant Chief colluded with the Objector to list them as beneficiaries of the deceased's estate and the said letter was fraudulent. He further testified that the deceased did not subdivide his land in his lifetime.
45. When Joseph was cross examined, he reiterated that the 1st Objector was not the deceased's second wife. He further testified that the deceased went to Ndoinet where he would go for approximately a month. It was Joseph's testimony that Pauline was the deceased's sister and that David Kener's (second 1st Objector's witness) residence was near the deceased's residence.
46. In her submissions dated 3rd March 2025, the Petitioner submitted that the 1st Petitioner did not describe in detail how she was married to the deceased and did not adduce evidence of dowry payment and the steps undertaken in a Kipsigis traditional marriage. That the 1st Petitioner was not clear whether she lived in Kericho/itembe/486 as she only stated that her son resided in it. The Petitioner further submitted that Pauline Cherono (deceased's sister) failed to give evidence on how the deceased and the 1st Objector got married. That Geoffrey Ruto also failed to tender evidence indicating that he was the deceased's son.
47. It was the Petitioner's submission that the 1st Objector did not cohabit with the deceased and that there was no dowry payment at all. It was her further submission that in the absence of proof of the dowry payment, the marriage between the deceased and 1st Objector was not proved on a balance



of probabilities. She relied on re Joseph Abok Kibunye Wadawi (Deceased) (Succession cause 1685) [2024] KEHC 10378 (KLR) (23 August 2024) (Judgment) and re estate of Samwel Chepkwony (Deceased) (Succession cause 25 of 2016) [2024] KEHC 1252 (KLR) (8 February 2024) (Ruling).

48. The Petitioner submitted that the 1st Objector were not dependants of the deceased's estate as she filed to prove that she was married to the deceased. That she also failed to prove that she cohabited with the deceased in Kericho/itembe/486. The Petitioner further submitted that the 1st Objector's sons, David and Geoffrey failed to prove that the deceased maintained them in his lifetime. That further, the 1st Objector failed to call for DNA evidence to prove her sons' paternity.
49. It was the Petitioner's submission that the 1st Objector produced a forged eulogy as evidence and it could not prove the deceased's relationship with the 1st Objector.
50. I have gone through and considered the Application dated 14th September 2021, the 1st Objector's Further Affidavit dated 17th February 2022, the Petitioner's Replying Affidavit dated 9th May 2022, the 1st Objector's Supplementary Affidavit dated 5th July 2022, the 1st Objector's written submissions dated 19th February 2025 and the Petitioner's written submissions dated 3rd March 2025. The only issue for my determination was whether there were sufficient grounds to revoke the Grant dated 23rd February 2017.
51. The law on revocation of Grants is provided for in Section 76 of the Law of Succession Act which 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.
52. In the case of Jamleck Maina Njoroge v Mary Wanjiru Mwangi [2015] KEHC 7143 (KLR), Achode J. (as she then was) observed: -

“The circumstances that can lead to the revocation of grant have been set out in Section 76 Law of Succession. For a grant to be revoked either on the Application of an interested party or on the court's own motion there must be evidence that the proceedings to obtain the



grant were defective in substance, or that the grant was obtained fraudulently by making of false statement, or by concealment of something material to the case, or that the grant was obtained by means of untrue allegations of facts essential in point of law.”

53. Similarly, Mwita J.in *Albert Imbuga Kisigwa v Recho Kawai 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.”

54. From the outset, it is important to state that the burden of proof in this case lay with the 1st Objector and the standard of proof is similar to that used in civil cases i.e. on a balance of probabilities.

55. The 1st Objector testified that she was the deceased’s second wife and that the Petitioner had sidelined the second household in distributing the deceased’s estate. She reiterated that she was the deceased’s young wife upon cross examination. The Objector called her sons as witnesses in aid of her case. David Kipkoech Ruto and Geoffrey Kibet Ruto both testified that they were the sons of the deceased and the 1st Objector and that the Petitioner took care of them during circumcision.

56. David Kipkemoi Kener who was a village elder and the deceased’s neighbour, corroborated the 1st Objector’s claim that she was the deceased’s second wife and that at some point they all lived harmoniously together with the Petitioner in Itembe before the deceased moved her to Ndoinet in Nakuru County. David Kener also corroborated the 1st Objector’s sons that the Petitioner took care of them during circumcision.

57. Pauline Cheroni Kosgei who was the deceased’s sister testified in support of the 1st Petitioner. Just like David Kipkemoi Kener, she corroborated the 1st Objector’s claim that she was the deceased’s second wife and that at some point the deceased and 1st Objector came to her house in Nakuru and she hosted them. She also testified that the deceased introduced the 1st Objector to her as his wife and further that when the deceased was sick, he was taken care by both the Petitioner and the 1st Objector. When she was cross examined, she reiterated that her brother, the deceased brought the 1st Objector to Nakuru.

58. Richard Towet who was the 1st Objector’s brother testified that the deceased and the 1st Objector were married and he witnessed the traditional ceremony. Richard corroborated the claim that the Petitioner took care of the 1st Objector’s sons during circumcision and further that the deceased received dowry when the 1st Objector’s daughter were married. His testimony of his presence in the traditional wedding ceremony was uncontroverted after cross examination.

59. The 1st Objector produced Minutes of the family meeting as Exhibit Number 5 and a Letter from the Chief as Exhibit Number 1 which indicated that the 1st Objector and the Petitioner were not strangers to each other but were wives of the deceased. The Petitioner alleged that both documents were forgeries. It is trite law, that fraud must be specifically pleaded. In the present case, the Petitioner did not prove that the Minutes of the family meeting and the Chief’s Letter were forgeries and as such the 1st Petitioner’s claim remain allegations.

60. The 1st Objector and her sons, David Ruto and Geoffrey Ruto testified that they participated in the deceased’s funeral. Their testimonies in regard to their attendance and participation in the deceased’s funeral was corroborated by Richard Towet (1st Objector’s brother) and Pauline Cheroni Kosgei



- (deceased's sister) who both testified that on the burial day, the 1st Objector and her children were introduced as part of the deceased's family.
61. On the other hand, the Petitioner stated that she was the sole wife of the deceased and denied that the 1st Objector was the deceased's second wife. She denied knowing her and her children and that they were not beneficiaries of the deceased's estate. The Petitioner acknowledged that Pauline Cherono Kosgei was her sister-in-law.
 62. John Masie testified in support of the Petitioner's case and testified that he was the deceased's cousin. He corroborated the Petitioner's evidence that she was the sole wife of the deceased. That the deceased resided only in Itembe and did not acquire or reside in Nakuru. When he was cross examined, he stated that the deceased would visit Nakuru to tend to his cows. He also acknowledged that Pauline (1st Objector's fourth witness) was the deceased's sister and that David Kener (1st Objector's second witness) was the deceased's neighbour.
 63. As I stated earlier, the standard of proof was on a balance of probabilities. In weighing the 1st Objector's case against the Petitioner's case, it is my finding that the 1st Objector's case was more plausible. I say so because the 1st Objector called witnesses who had close familial relationship to the deceased and the 1st Objector and could speak to the relationship between them. The 1st Objector called the deceased's immediate neighbour and village elder (David Kenei), Pauline Cherono (sister) and Richard Towet (brother-in-law) who all testified that the deceased had two wives. The 1st Objector's sons, David Ruto and Geoffrey Ruto also testified and stated that they were the deceased's sons and their mother was the 1st Objector.
 64. On the other hand, the Petitioner and Joseph Masie (second Petitioner's witness) asserted that the 1st Objector and her children did not participate in the deceased's burial. This assertion was debunked by the 1st Objector who stated that together with her children, they attended the deceased's burial and were introduced as part of the deceased's family. The 1st Objector's testimony was corroborated by her sons, Geoffrey and David, Pauline Cherono Kosgei (deceased's sister) and Richard Towet (1st Objector's brother).
 65. From my analysis of the evidence above, it is clear that the 1st Objector and the Petitioner were not strangers to each other as alluded by the Petitioner. The evidence tendered by the 1st Objector including the Minutes of the Family Meeting and the Chief's Letter and her witnesses' testimonies buttressed her assertion that she was the deceased's younger wife. I acknowledge that the 1st Objector's sons did not produce their Birth Certificates as prove of paternity to the deceased but it is my finding that there was other sufficient evidence and testimonies as demonstrated above that supported their assertion that they were the deceased's sons.
 66. Flowing from the above, it is my finding that the 1st Objector was the deceased's younger wife and as such was a beneficiary to the deceased's estate. This fact was concealed from this court by the Petitioner when she was obtaining the Grant and as per the provisions of section 76 of the [Law of Succession Act](#), the Grant issued to the Petitioner cannot be allowed to stand. Consequently, the Grant dated 23rd February 2017 and confirmed on 7th July 2021 is hereby revoked.
 67. After revoking the Grant dated 23rd February 2017, the question then becomes whether the resultant titles from Kericho/itembe/486 i.e. Kericho/itembe/2994, Kericho/itembe/2995, Kericho/itembe/2996, Kericho/itembe/2997, Kericho/itembe/2998 should be cancelled. The 1st Objector produced a copy of the Green Card of Kericho/itembe/486 as Exhibit 7. The Green Card which showed that the mother title had been closed on 7th December 2017 after subdivision.



68. In Santuzzabilioti alias Mei Santuzza (deceased) vs Giancarlo Felasconi (2014) eKLR, the court held: -

“This cannot be the case as the succession court has powers to order a title deed to revert to the names of a deceased person. This in effect amounts to cancellation of the title deed. Further, a succession court can order a cancellation of title deed if a deceased’s property is being fraudulently taken away by non beneficiaries such as where the property is being sold before a grant is confirmed.”

69. Similarly, inre Estate of Leah Wanguii Nding’uri (Deceased) [2020] KEHC 5505 (KLR), Wendoh J. held: -

“In this case, the respondents filed this cause and brought themselves under the provisions of the *Law of Succession Act*. The grant that was issued to the respondents was revoked. It means that, all actions taken by the respondents including the registration of the deceased’s property in their names was rendered a nullity..... this court has jurisdiction to order cancellation of the said titles so that the land can revert back to the deceased’s names.....”

70. Further, in re Estate of Muturi Katumuta [2022] KEHC 2396 (KLR), Gitari J. held: -

“In succession matter, the High Court has jurisdiction to issue any orders including cancellation of title deeds where the grant is revoked.”

71. Flowing from the above, it is my finding that any titles that were procured from Kericho/itembe/486 as the mother Title are invalid, null and void. The titles known as Kericho/itembe/2994, Kericho/itembe/2995, Kericho/itembe/2996, Kericho/itembe/2997, Kericho/itembe/2998 are hereby cancelled.

72. This being a family matter, each party shall bear their own costs.

JUDGEMENT DELIVERED, DATED AND SIGNED THIS 28TH DAY OF APRIL, 2025.

.....
J.K.NG’ARNG’AR

JUDGE

Judgement delivered in the presence of the Petitioner and the Objectors. Siele/Susan (Court Assistant).

