



**In re Estate of Kipsang Rochi (Deceased) (Succession Cause  
37 of 2000) [2025] KEHC 7165 (KLR) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7165 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
SUCCESSION CAUSE 37 OF 2000**

**JK SERGON, J**

**MAY 29, 2025**

**IN THE MATTER OF THE ESTATE OF KIPSANG ROCHI (DECEASED)**

**BETWEEN**

**JOEL KIKPEMOI CHEPKWONY ..... APPLICANT**

**AND**

**EZEKIEL TOWETT ARAP SAN ..... 1<sup>ST</sup> RESPONDENT**

**ESTHER CHEMUTAI MARITIM ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The applicant filed a notice of motion dated 3rd March, 2025 seeking the following orders;
  - (i) Spent.
  - (ii) That, the respondents be directed to execute all necessary transmission documents and any other requisite documents at the land registry within 7 days from the date of this order to facilitate distribution of the deceased's estate in accordance to the rectified certificate of grant issued on 31st July, 2023.
  - (iii) That in the alternative, the Deputy Registrar of this honourable court be authorized to execute all the necessary documents required for the transmission of LR Kericho/Kipwastuiyo/399 in accordance with the rectified certificate of confirmation of grant issued on 31st July, 2023 after lapse of seven days.
  - (iv) That the OCS Cheplanget Police Station be directed to provide security to the surveyors during the subdivision of the deceased's estate, specifically land parcel Kericho/Kipwastuiyo/399.
  - (v) That, the costs of the application be provided for.



2. . The application is supported by grounds on the face of it and the supporting affidavit of Joel Kipkemoi Chepkwony the applicant herein.
3. . The applicant avers he is one of the beneficiaries of the estate of the deceased as confirmed by the rectified certificate of confirmation of grant dated 31st July, 2023 and that despite the existence of the said grant, the respondents have unlawfully denied him access, occupation and utilization of his rightful share of the deceased's estate, specifically land parcel Kericho/Kipwastuiyo/399.
4. . The applicant avers that the respondents have willfully failed, refused and/or neglected to execute the necessary transmission documents at the land registry, thereby frustrating the lawful distribution of the deceased's estate and further that his efforts to have the surveyors proceed with the subdivision of land parcel Kericho/Kipwastuiyo/399 have been frustrated by the respondents who have obstructed the survey process. The applicant was therefore seeking the orders sought in the notice of motion in order to facilitate the peaceful and lawful distribution of the estate of the deceased.
5. The matter came up for inter partes hearing and the learned counsel for applicant stated that the application was served but there was no response on the part of the respondents.
6. Having considered the instant application which is unopposed this court finds that the issues for determination are whether to direct the Deputy Registrar to execute the transmission documents over and in respect to land parcel Kericho/Kipwastuiyo/399 in favor of the beneficiaries in terms of the rectified certificate of Confirmation of Grant issued on 31st July, 2023 and whether the OCS Cheplanget Police Station should be directed to provide security to the surveyors during the subdivision of the deceased's estate specifically land parcel Kericho/Kipwastuiyo/399. I have considered the application which is unopposed. It is the finding of this court that the applicant who is a beneficiary of the estate has aptly demonstrated that the respondents have repeatedly failed, refused and/or neglected to execute the necessary transmission documents at the land registry, thereby frustrating the lawful distribution of the deceased's estate and further that his efforts to have the surveyors proceed with the subdivision of the subject parcel thwarted by the respondents. This court has carefully studied the record and finds that it had previously issued orders on 21st March, 2024 directing the respondents to execute transmission documents over the subject parcel and the respondents have seemingly remained defiant. It is therefore in the interest of justice to allow the orders sought in the instant application to facilitate the final distribution of the estate of the deceased to its rightful beneficiaries.
7. Consequently, the notice of motion dated 3rd March, 2025 is hereby allowed giving rise to issuance of the following Orders:-
  - (i) The Deputy Registrar is authorized to execute the transmission documents over and in respect to land parcel Kericho/Kipwastuiyo/399 in favor of the beneficiaries in order to give effect the rectified certificate of Confirmation of Grant issued on 31st July, 2023.
  - (ii) The OCS, Cheplanget Police Station, is directed to provide security to the surveyors during the subdivision of the deceased's estate, specifically land parcel Kericho/Kipwastuiyo/399.
  - (iii) There will be no order as to costs of the application. It is so ordered.

**DELIVERED, SIGNED AND DATED AT KERICHO THIS 29<sup>TH</sup> DAY OF MAY 2025.**

.....

**J.K. SERGON**

**JUDGE**



In the presence of:-

Court Assistant – Rutoh

No Appearance

