



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Kiplangat arap Rugechech (Deceased) (Succession Cause
195 of 2015) [2025] KEHC 11367 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11367 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
SUCCESSION CAUSE 195 OF 2015**

JK SERGON, J

JULY 31, 2025

IN THE MATTER OF THE ESTATE OF KIPLANGAT ARAP RUGECHECH (DECEASED)

BETWEEN

RAYMOND KIBET CHEPKWONY PROTESTOR

AND

MARY CHEPKIRUI REGECHECH RESPONDENT

RULING

1. The application coming up for determination is a notice of motion dated 1st April, 2025 seeking the following orders;
 - (i) That the certificate of confirmation of grant of letters of administration issued to Mary Chepkirui Rugechech in this matter on the 7th day of October, 2019 be reviewed and rectified in the following respect as provided by rule 63 of the Probate and Administration Rules as read with order 45 rule (1) and (2) of the Civil Procedure Rules.



Name	Description of Property	Shares of Heirs
The House of Mary Chepkirui Rugechech which comprises 11 units	Kericho/ Sosiot/539measuring 13.8 acres	7.9 acres
The House of Anna Chesang Rugechech which comprises 8 units (Jane Chemutai Langat her seven children namely; Fancy Chebet Ruto, Lily Chepngetich Langat, Raymond Kibet Chepkwony, Nelson Kipkoech Chepkwony, Patrick Cheruiyot, Charles Kipyegon and Micheal Kipkurui (Jane Chemutai Langat to hold in trust)	Kericho/ Sosiot/539measuring 13.8 acres	5.81 acres

2. The application is supported by grounds on the face of it and an affidavit in support of the application sworn by Jane Chemutai Langat the applicant herein.
3. She contests that the confirmation of grant of letters of administration in respect to the estate of Kiplangat Arap Rugechech were issued to Mary Chepkirui Rugechech on 7th October, 2019 and that they listed the house of Anna Chesang Rugechech as the beneficiary of the estate of the late Kiplangat Arap Rugechech.
4. She further contests that the grant of letters of administration intestate in respect to the estate of Anna Chesang Rugechech was issued to her on 6th September, 2023 and that by virtue her being the administrator to her estate she is best suited by law to substitute her in the rectified certificate of confirmation of grant to hold in trust for her and her children.
5. It is her contention therefore, that the confirmation of grant of letters of administration in respect to the estate of Kiplangat Arap Rugechech dated 7th October, 2019 is ambiguous and does not list her children and that the correct mode of distribution as agreed upon by the parties is as follows;



Name	Description of Property	Shares of Heirs
The House of Mary Chepkirui Rugechech which comprises 11 units	Kericho/ Sosiot/539measuring 13.8 acres	7.9 acres
The House of Anna Chesang Rugechech which comprises 8 units (Jane Chemutai Langat her seven children namely; Fancy Chebet Ruto, Lily Chepngetich Langat, Raymond Kibet Chepkwony, Nelson Kipkoech Chepkwony, Patrick Cheruiyot, Charles Kipyegon and Micheal Kipkurui (Jane Chemutai Langat to hold in trust)	Kericho/ Sosiot/539measuring 13.8 acres	5.81 acres

6. It is her contention that the said issues have occasioned hardship in the registration of the confirmed grant and the Land Registrar directed them to apply for rectification and/or review of the certificate of confirmation of grant.
7. She therefore urged this court to rectify the omission and that a rectified certificate of confirmation of grant be issued.
8. The application came up for inter partes hearing. The learned counsel for the appellant/applicant reiterated that he would be relying on grounds set out on the notice of motion and supporting affidavit
9. I have considered the application which is unopposed and find that the issue for determination whether to review the certificate of confirmation of grant issued to Mary Chepkirui Rugechech in this matter on the 7th day of October, 2019.
10. This court has carefully studied the record and notes that the said certificate of confirmation was issued pursuant to the mode of distribution adopted by Mumbi J. as she then was in the judgement of this court dated 29th November, 2017 where the estate of the deceased was distributed between Mary Chepkirui Rugechech and Anna Chesang Rugechech. The said Anne Chesang Rugechech was deceased and therefore the court directed that her share be given to Jane Chemutai Langat and her children. This court has noted that the certificate of confirmation dated 7th October, 2019 did not capture these material details and therefore the instant application is an attempt to cure the glaring omission.
11. This court also notes that the said Jane Chemutai Langat has since obtained a grant of letters of administration intestate in respect to the estate of Anna Chesang Rugechech, deceased on 6th September, 2023.
12. By virtue her being the administrator to her estate, she is therefore best suited by law to substitute her in the rectified certificate of confirmation of grant.



13. In light of the foregoing, the notice of motion dated 1st April, 2025 is hereby allowed.

DELIVERED, SIGNED AND DATED AT KERICHO THIS 31ST DAY OF JULY, 2025.

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J.K. SERGON

JUDGE

In the Presence of:-

C/Assistant – Rutoh

Keter for the Protestor

No Appearance for the Petitioner

