



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**In re Estate of Salim Kimutai Chebii (Succession Cause 283 of 2013)
[2025] KEHC 11976 (KLR) (11 August 2025) (Judgment)**

Neutral citation: [2025] KEHC 11976 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 283 OF 2013
RN NYAKUNDI, J
AUGUST 11, 2025
IN THE MATTER OF ESTATE OF SALIM KIMUTAI CHEBII**

BETWEEN

EUNICE JEPKORIR KANDA PETITIONER

AND

MARY JACINTA MUMBUA OBJECTOR

JUDGMENT

1. Before this Court is Summons for Confirmation of Grant in the matter of the Estate of Salim Kimutai Chebii. In order to answer this question the respective beneficiaries were invited by the Court under the National Values in Article 10 of *the Constitution* on inclusivity and participation to share their thoughts on how best the Estate should be distributed among the heirs.
2. In the first instance, was the model by the Petitioners which in context and detail proposed as follows;



Item	Particular	Beneficiaries	Share
1.	Ngomongo/Kasarani Plot(unregistered)	1. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai	Whole
2.	Mumias Company Limited Shares	1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 3. Weldon Kimwetich Kimutai 4. Griffins Kiplagat Kimutai 5. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai 6. Eunice Jepkorir Kanda	To be shared Equally
3.	Kengen Shares	1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 3. Weldon Kimwetich Kimutai 4. Griffins Kiplagat Kimutai	To be shared Equally



		<p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	
4.	<p>ABSA Bank Account No.0034559597, Eldoret Branch</p>	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael chebii kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	To be shared equally
5	Pension department	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p>	To be shared equally



		<p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	
6.	Death gratuity	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	To be shared equally
7.	Public Trustees Eldoret	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p>	To be shared equally



		<p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	
8.	Safaricom Kenya Limited Shares	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	To be shared equally
9.	House No. 11 "Z" Ngara	Eunice Jepkorir Kanda	Whole
10.	LR NO. TASSIA -11-21190/111/219 Nairobi	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p>	To be shared Equally



		<p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	
11.	L.R. NO. TASSIA -11- 21190/5058 Nairobi	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	To be shared equally
12.	Workmanship compensation from the Ministry of Labor	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p>	To be shared equally



		<p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael chebii kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	
13.	Killed while on duty pension department (to be computed by Pension)	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	To be shared equally
14.	Kiplombe/Kiplombe Block 9 (Marakwet Development/150)	<p>1. Deceased share to be distributed equally among the Beneficiaries</p> <p>2. David Kipyego Metto</p> <p>3. Eunice Jepkorir Kanda</p> <p>4. Christine Yatich</p> <p>5. Barnaba Kipkoech Chebii</p>	



15.	Kiptoror Farm	Eunice Kanda	Jepkorir	Whole
-----	---------------	-----------------	----------	-------

3. The model by the Objectors which in context and details proposed as follows;



Item	Particular	Beneficiaries	Share
1.	Ngomongo/Kasarani Plot(unregistered)	1. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai	Whole
2.	Kapcherop (unregistered) and Kapcherop Trading Centre 25ftx100ft	Eunice Jepkorir Kanda	Whole
3.	Mumias Company Limited Shares	7. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 8. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 9. Weldon Kimwetich Kimutai 10. Griffins Kiplagat Kimutai 11. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai 12. Eunice Jepkorir Kanda	To be shared Equally
4.	Kenyan Shares	7. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 8. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai	To be shared Equally



		<p>9. Weldon Kimwetich Kimutai</p> <p>10. Griffins Kiplagat Kimutai</p> <p>11. Mary Jacinta Mumbua</p> <p>holding in trust for Michael Chebii Kimutai</p> <p>12. Eunice Jepkorir Kanda</p>	
5.	<p>ABSA Bank Account No.0034559597, Eldoret Branch</p>	<p>7. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>8. Eunice Jepkorir Kanda</p> <p>holding in trust for Tassia Barsumbat Kimutai</p> <p>9. Weldon Kimwetich Kimutai</p> <p>10. Griffins Kiplagat Kimutai</p> <p>11. Mary Jacinta Mumbua</p> <p>holding in trust for Michael chebii kimutai</p> <p>12. Eunice Jepkorir Kanda</p>	To be shared equally
6.	<p>Pension department</p>	<p>Monthly payments to be reinstated as they were and to be paid in arrears.</p> <p>Ksh 22,000/= to Eunice Jepkorir Kanda</p> <p>Ksh 17,000/= to Mary Jacinta Mumbua</p>	To be divided as outlined



7.	Death gratuity Ksh 1,828,066/=	<ol style="list-style-type: none"> 1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 3. Weldon Kimwetich Kimutai 4. Griffins Kiplagat Kimutai 5. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai 6. Eunice Jepkorir Kanda 	Mary Jacinta Mumbua to be given 1M holding in trust for Michael Chebii Kimutai. The remaining 828,066 to be divided among other beneficiaries
8.	Safaricom Kenya Limited Shares	<ol style="list-style-type: none"> 1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 3. Weldon Kimwetich Kimutai 4. Griffins Kiplagat Kimutai 5. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai 6. Eunice Jepkorir Kanda 	To be shared equally



9.	LR NO. TASSIA -11-21190/111/219 Nairobi	1. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai	Whole
10.	L.R. NO. TASSIA -11- 21190/5058 Nairobi	1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 3. Weldon Kimwetich Kimutai 4. Griffins Kiplagat Kimutai 5. Eunice Jepkorir Kanda	To be shared equally
11.	Workmanship compensation from the Ministry of Labor. Approximately 6M	1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai 2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai 3. Weldon Kimwetich Kimutai 4. Griffins Kiplagat Kimutai 5. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai 6. Eunice Jepkorir Kanda	Mary Jacinta Mumbua to be given 3M holding in trust for Michael Chebii Kimutai. The remaining 3M be divided among other beneficiaries



12.	Kiplombe/Kiplombe Block 9 (Marakwet Development/150)	Deceased share to be given to Mary Jacinta Mumbua to be given 1M holding in trust for Michael Chebii Kimutai.	Deceased share to be given to Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai.
13.	Kiptoror Farm	Eunice Jepkorir Kanda	Whole
14.	2 plots in Mombasa	<p>1. Eunice Jepkorir Kanda holding in trust for Ray Sogomo Kimutai</p> <p>2. Eunice Jepkorir Kanda holding in trust for Tassia Barsumbat Kimutai</p> <p>3. Weldon Kimwetich Kimutai</p> <p>4. Griffins Kiplagat Kimutai</p> <p>5. Mary Jacinta Mumbua holding in trust for Michael Chebii Kimutai</p> <p>6. Eunice Jepkorir Kanda</p>	Mary Jacinta Mumbua to be given plot in Bombolulu hold in trust for Michael Chebii Kimutai. The other beneficiaries to be given the other property.

Determination

4. Having highlighted and considered the two distinct models of distribution proposed by the respective parties, this Court finds itself confronted with fundamental issues that must be resolved before any meaningful distribution of the estate can be undertaken. The divergent proposals presented by the Petitioner and the Objector, while both attempting to address the distribution of the deceased's assets, reveal gaps in the foundational information required for a proper determination.
5. The first issue that emerges from the comparative check of the two distribution matrices is the glaring inconsistency in the identification and valuation of the estate assets. In the original Petition for Letters of Administration Intestate, the Administrators catalogued various assets purportedly belonging to the deceased. However, a substantial number if not all of these assets lack the requisite proof of ownership, creating uncertainty about their actual inclusion in the distributable estate. This deficiency cannot be ignored particularly because the administration of estates requires precision and certainty in asset identification.



6. The second and equally important issue is the material variance in the net estate as reflected in the rival distribution proposals. The parties have not achieved consensus on what constitutes the actual estate of the deceased.
7. The scope of this Court's determination regarding the final distribution of the estate is necessarily limited by these unresolved foundational issues. The Court cannot, and indeed must not, proceed to distribute assets whose ownership remains disputed or unverified. To do so would be to risk distributing property that may not legitimately form part of the deceased's estate, thereby potentially prejudicing both the rightful beneficiaries and third parties who may have legitimate claims to such property.
8. The resolution of these issues can only be achieved through the provision of comprehensive and authentic ownership documentation for each asset claimed to form part of the estate. This documentation must establish not only the deceased's ownership of the assets at the time of death but also their current status and any encumbrances or competing claims that may affect their distribution.
9. In *Re-estate of Julius Ndubi Javan (Deceased) (2018) eKLR* the Court held as follows;

“The primary duty of the Probate Court is to distribute the Estate of the Deceased to the rightful Beneficiaries. As of necessity, the Estate property must be identified. Thus, where issues on the ownership of the property of the Estate are raised in a Succession Cause, they must be resolved before that property is distributed.”
10. The Court is mindful of its primary duty as a Probate Court to ensure the orderly and lawful distribution of the deceased's estate to the rightful beneficiaries. However, this duty cannot be discharged in the absence of certainty regarding the actual composition of the estate.
11. In light of these considerations, the Court finds it necessary to suspend the confirmation of grant pending the resolution of the asset identification and ownership issues. The administrators are hereby directed to undertake a comprehensive audit of the deceased's estate, providing detailed ownership documentation for each asset claimed to form part of the distributable estate. This documentation must include, but is not limited to, title deeds, share certificates, bank statements and account verification for financial assets, and any other relevant documentation that establishes the deceased's ownership interest.
12. Only upon the satisfactory completion of this exercise, and the establishment of a verified net estate, will this Court be in a position to make a final determination on the appropriate distribution of the deceased's assets among the rightful beneficiaries. Status conference on 16th September 2025 to avail the necessary supporting documentation on registration and ownership of the net estate of the deceased.
13. Orders accordingly.

DATED, SIGNED AND DELIVERED AT ELDORET ON 11TH DAY OF AUGUST, 2025

.....

R. NYAKUNDI

JUDGE

In the presence of:

M/S Adongo Advocate

