



**In re Estate of Leah Chesongony Cheruiyot (Deceased) (Succession Cause 25 of 2009) [2024] KEHC 659 (KLR) (30 January 2024) (Directions)**

Neutral citation: [2024] KEHC 659 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
SUCCESSION CAUSE 25 OF 2009  
PJO OTIENO, J  
JANUARY 30, 2024**

**IN THE MATTER OF THE ESTATE OF LEAH CHESONGONY CHERUIYOT (DECEASED)**

**BETWEEN**

**SISILIA MWIKALI KIRWA ..... PETITIONER**

**AND**

**HELLEN CHERUTO ..... 1<sup>ST</sup> OBJECTOR**

**JAMES S. KIPROTICH ..... 2<sup>ND</sup> OBJECTOR**

**DIRECTIONS**

1. When the counsel for parties addressed the court on 21.11.2023 they left it to the court to peruse the file and to determine whether or not the transmission affected pursuant to the judgment of 20.3.2014, which was confirmed by the court of appeal by a final judgment marks the end of the administration or not.
2. The court has perused its records and noted that there is no appeal pending and thus the judgment and its effect remain unchallenged. This court remains of the learning that a succession court becomes functus officio once the property get transferred to those entitled.
3. In the cause of their address to the court, Mr. Getanda repeatedly asserted, without rebuttal from Mr. Nakitare that each of the beneficiaries obtained their titles. That being the case, the uncontroverted state of administration, the court must now remind parties that litigation, especially a family one like this, need to be brought to an end expeditiously and once so brought to a closure need not be reopened unless for very good reason targeted at serving the very ultimate ends of substantial justice.
4. It cannot be a candid assertion that the grant was confirmed without the knowledge of the administrator when the record of the file show that matter was heard viva voce at which the administrator tendered evidence and a resultant judgment stands and well known to the parties.



5. The court is satisfied that the administration herein is duly completed and that this file must now be closed and removed for the data of pending files before the court.

**DATED, SIGNED AND DELIVERED IN KAKAMEGA THIS 30<sup>TH</sup> DAY OF JANUARY, 2024.**

**PATRICK J. O. OTIENO**

**JUDGE**

