



REPUBLIC OF KENYA



In re Estate of Alice Chepngetich Kosgei (Deceased) (Succession Cause E021 of 2021) [2024] KEHC 9439 (KLR) (12 June 2024) (Ruling)

Neutral citation: [2024] KEHC 9439 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
SUCCESSION CAUSE E021 OF 2021**

RL KORIR, J

JUNE 12, 2024

IN THE MATTER OF THE ESTATE OF ALICE CHEPNGETICH KOSGEI (DECEASED)

BETWEEN

NELSON KIPNGETICH MUTAI 1ST PETITIONER

VERA CHEPKEMOI KOSKEI 2ND PETITIONER

AND

DOROTHY KOSKE 1ST OBJECTOR

WALTER KIPNGENO MUTAI 2ND OBJECTOR

AND

RICHARD K.M. KOSKEI BENEFICIARY

RULING

Background

1. The Succession Cause is in respect of the estate of the late Alice Chepngetich Kosgei. The Applicant, Dorothy Koske, filed the Notice of Motion dated 29th May 2023 seeking to protect her interest in the estate.
2. In order to fully understand and appreciate the nature of these proceedings, it is important to state the chronology of events leading to the present Application.
3. The deceased's son, Richard Koskei (now 3rd beneficiary) petitioned this court on 20th May 2021 for the Grant of Letters of Administration. He stated that the deceased's estate comprised of the following:-
 - i. Kericho/Kapsimbiri/2058.



- ii. Shares at Barclays bank of Kenya.
 - iii. Shares at Kapkoros Tea Factory Company Limited.
 - iv. Shares at KTDA Farmers Limited.
 - v. Barclays Bank Account Number 0291088724.
4. Subsequent to the Petition the beneficiaries/siblings have filed multiple applications within the Succession Cause. Richard Koskei and Vera Koskei (who were children of the deceased) filed a Notice of Motion Application dated 25th May 2021 where they sought preservative orders over the subject land being Kericho/Kapsimbiri/2058. They stated that their brother Walter Kipngeno Mutai (now 2nd Objector) was constructing permanent houses on the subject land during the pendency of the succession proceedings.
 5. Vera Koskei filed another Notice of Motion Application dated 9th August 2021 seeking an order for committal to civil jail for her brothers Walter Kipngeno Mutai and Nelson Mutai (now 1st Respondent/Administrator) for contempt of court. That her brothers (Walter and Nelson) had continued to construct houses on the subject land contrary to the court order issued on 27th May 2021, 10th June 2021 and 3rd August 2021.
 6. On 4th October 2021, this court marked the Application dated 25th May 2021 as settled as it had been overtaken by events. The court further directed parties to go for Mediation to try and resolve the issues pertaining the estate. The court further stayed all pending Applications pending the outcome of the Mediation.
 7. Nelson Kipngetch Mutai filed an Application dated 29th January 2022 where he sought injunctive orders against Vera Koskei and Richard Koskei restraining them from interfering with the deceased's estate. He also sought Orders that the two be ordered to account for the estate of the deceased and refund all monies collected from the estate. On 25th July 2022, the matter was again referred to Mediation.
 8. The multiple disputes pitting one sibling against another were referred to the court annexed mediation. A Mediation Agreement dated 3rd August 2022 was filed in court on the same day. Among the resolutions reached was that the Notice of Motion Applications dated 9th August 2021 and 29th January 2022 were withdrawn. On 15th November 2022, this court adopted the said Mediation Agreement as the Order of this court.
 9. Following the parties' Mediation Agreement dated 3/08/2022 and adopted by the court on 15/11/2022, Nelson Kipngetch Mutai and Vera Chepkemai Koskei petitioned through an Application dated 23rd November 2022 for Grant of Letters of Administration for the estate of Alice Chepngetich Koskei. A Grant in the names of Nelson Kipngetch Mutai and Vera Chepkemai Koskei was issued by this court on 13th March 2023.
 10. Dorothy Koskei (present Applicant) then filed the current Notice of Motion Application dated 29th May 2023 which is the subject of this Ruling. She sought the following Orders:-
 - I. That this Honourable Court be pleased to issue an order restraining the Respondents Vera Chepkemai Koskei and Richard K.M. Koskei, their agents, servants and/or employees from intermeddling and/or interfering with the deceased's estate including collecting rent from Silibwet Plot Number 79 measuring 50X80 pending the hearing and determination of this Application.



- II. That this Honourable Court be pleased to issue an order restraining the Respondents Vera Chepkemoi Koskei and Richard K.M. Koskei, their agents, servants and/or employees from intermeddling and/or interfering with the deceased's estate including collecting rent from Silibwet Plot Number 79 measuring 50X80 pending the hearing and determination of this cause.
- III. That this Honourable Court be pleased to order that the parcel registered as Silibwet Plot Number 79 measuring 50X80 forms part of the estate of the deceased.
- IV. That the Respondents Vera Chepkemoi Koskei and Richard K.M. Koskei be ordered to account for all the funds and/or proceeds that they have collected and/or received from the deceased's estate Silibwet Plot Number 79 measuring 50X80 since her demise on the 1st day of May 2016 and how they were utilised, spent and/or preserved.
- V. That the Respondents Vera Chepkemoi Koskei and Richard K.M. Koskei be ordered to refund all and any of the proceeds they have amassed and/or misappropriated from the estate Silibwet Plot Number 79 measuring 50X80.
- VI. That this Honourable Court be pleased to review and/or set aside the orders that were made by the Consent dated 15th November 2022.
- VII. That this Honourable Court do make any other Orders it deems fit to grant in the interest of justice.
- VIII. That the costs of this Application be provided for.

The Applicant's case

11. The Applicant stated that the deceased (Alice Chepngetich Kosgei) owned Silibwet Plot Number 79 which had rental houses and generated monthly income. That the deceased became the owner of Silibwet Plot Number 79 by virtue of the succession proceedings of her late husband and Applicant's father Edwin Kipsirngoi Kosgei. She further stated that Nelson Kipngetich Mutai and Vera Chepkemoi Koskei were the administrators of the estate of the deceased.
12. It was the Applicant's case that since the death of the deceased, Vera Koskei and Richard Koskei had been collecting money from the deceased's rental houses in Silibwet Plot No. 79. It was her further case that Mediation Agreement was misleading as it did not contain the parcel known as Silibwet Plot No. 79 which formed part of the deceased's estate.
13. The Applicant opined that she was apprehensive that Vera Koskei and Richard Koskei would sell, transfer or waste the deceased's estate if this court fails to intervene.

Response

14. Through her Affidavit dated 16th November 2023, the 2nd Respondent (Vera Koskei) stated that the parcel known as Silibwet Plot No. 79 did not form part of the deceased's estate. That the Applicant relied on an unverifiable and uncertified copy of the Certificate of Confirmation of Grant to prove that the deceased owned the parcel Silibwet Plot No. 79.
15. Vera Koskei stated that she perused the succession file (Bomet SRM Succession Cause Number 8 of 2005) from which the said Certificate of Confirmation emanated from and found that there was no evidence in those proceedings which showed that Silibwet Plot No. 79 belonged to Edwin Kipsirngot Kosgei, the late husband of the deceased Alice Kipngetich Kosgei. She further stated that the Applicant



had not filed any Allotment Letter, Certificate of Title or any other document recognized by law as proof that the deceased owned Silibwet Plot No. 79.

16. It was the 2nd Respondent's case that parties had reached a Mediation Agreement dated 3rd August 2022 which was adopted by this court. That there was no mention of the parcel Silibwet Plot No. 79 in the Mediation Agreement. It was her further case that this court as a Probate Court had the power to identify a deceased's property.
17. On 12th October 2023, I directed that the Application be heard by way of written submissions.

The Applicant's submissions.

18. Through her submissions dated 6th November 2023, the Applicant submitted that the fact that Silibwet Plot No. 79 was still registered in the name of the late Edwin Kosgei did not change the fact that it formed part of the deceased's (Alice Chepngetich Kosgei) estate. That it was rightfully devolved to her after her husband's death. She stated that she relied on the proceedings of Bomet SRM Succession Proceedings Number 8 of 2005 where the Certificate of Confirmation of Grant issued to Alice Chepngetich Kosgei listed Silibwet Plot No. 79 as one of her properties. She also relied on section 35 of the *Law of Succession Act*.
19. It was the Applicant's submission that the late Alice Chepngetich Kosgei held Silibwet Plot No. 79 in trust as the surviving spouse for the beneficiaries in this matter.
20. The Applicant submitted that Vera Koskei and Richard Koskei intermeddled with the deceased's property contrary to section 45 of the *Law of Succession Act* by receiving rental income from Silibwet Plot No. 79. That they had also failed to account for the deceased's estate as provided for by section 83 (h) of the *Law of Succession Act*. She relied on re estate of *David Kyuli Kaindi (deceased)* [2016] eKLR and *re estate of Geoffrey Mwangi Chege (deceased)* Succession Cause No.905 of 2015 which addressed the responsibilities of administrators of an estate in giving an account of the said estate to the beneficiaries. The Applicant further stated that Vera Koskei and Richard Koskei should be compelled to refund the proceeds from the rental income.
21. It was the Applicant's submission that for future proceeds, a joint account be opened in the names of the Applicant and the other beneficiaries where the rental income can be deposited.

The Respondents' submissions

22. Through their submissions dated 16th November 2023, the Respondents submitted that the Applicant had failed to give evidence to prove that Silibwet Plot No. 79 was part of the deceased's estate. That the Applicant relied on Bomet SRM Succession Cause No. 8 of 2005 but failed to attach the proceedings of the said file. It was their further submission that he who alleges must prove and the Applicant failed to do so. That in the absence of any document evidencing ownership, this court could not act blindly. They relied on the *estate of Sananga Okonda* [2020] eKLR which stated that no court would distribute an asset whose authenticity and ownership was not established.
23. It was the Respondents' submission that by dint of Rule 73 of the *Probate and Administration Rules*, this court had inherent power to call for and examine the contents of Bomet SRM Succession Cause No. 8 of 2005 in order to ascertain the Applicant's allegations.
24. The Respondents submitted that Silibwet Plot No. 79 did not form part of the deceased's estate and thus it did not form to the category of free property as envisaged in section 3 of the *Law of Succession Act*.



25. It was the Respondents' submission that the mandate of the Probate Court was limited to the distribution of the assets of a deceased. That when a dispute arises as to the ownership of an asset, the same should be placed in another forum as was held *in re Estate of Atibu Oronje Asioma (Deceased)* (Succession Cause 312 of 2008) [2022] KEHC 11046 (KLR) (22 July 2022) (Ruling) and *re Estate of Alice Mumbua Mutua (Deceased)* [2017] eKLR.
26. The Respondents submitted that the Application was without merit and ought to be dismissed with costs.
27. I have gone through the Notice of Motion Application dated 29th May 2023, the Replying Affidavit dated 16th November 2023, the Applicant's submissions dated 6th November 2023 and the Respondents' submissions dated 16th November 2023. I sieve two issues for my determination and they are as follows:-
 - i. Whether Silibwet Plot Number 79 forms part of the deceased's estate.
 - ii. Whether this court should review its Order made on 15th November 2022.

i. Whether Silibwet Plot Number 79 forms part of the deceased's estate.

28. The Applicant stated that Silibwet Plot No/ 79 formed part of the deceased's estate as the deceased had inherited the same from her late husband Edwin Kipsirgot Kosgei. In support of her case, the Applicant produced a Certificate of Confirmation of Grant dated 15th February 2006 as DK 1b. On the other hand, the 2nd Respondent stated that Silibwet Plot No.79 did not belong to the deceased's estate and that the Applicant had failed to produce evidence to prove ownership of the said Silibwet Plot No. 79. That the Certificate of Confirmation of Grant that the Applicant relied upon was unverified and had not been certified.
29. I have looked at the referenced Certificate of Confirmation of Grant dated 15th February 2006 (DK 1b). The said Certificate of Confirmation of Grant was in respect to succession proceedings in Bomet SRM Court Number 8 of 2005 in respect of the estate of the late Edwin Kipsirgot Koskei. The Certificate had a schedule on the mode of distribution and the deceased (Alice Chepngetich Koskei) was a beneficiary and inherited Silibwet Plot No. 79 among other properties of her deceased husband.
30. I agree with the 2nd Respondent that the Applicant produced an uncertified copy of the Certificate of Confirmation. I am thus unable to determine the veracity of the said Certificate of Confirmation of Grant as the same could only be challenged or proved in a trial and not in an Application as in the present case. However, what is clear to me is that the Certificate of Confirmation of Grant is prima facie evidence that the deceased inherited Silibwet Plot No. 79 from her late husband. It is however not clear from the proceedings how the deceased's widow had dealt with the said property.
31. What is also evident to me is that there is a dispute as to the ownership of the said Silibwet Plot No. 79 as the 2nd Respondent denied it being part of the deceased's estate. This dispute can be cured in the proper forum by dint of Order 37 Rule 1 of the *Civil Procedure Rules* which states:-

The executors or administrators of a deceased person, or any of them, and the trustees under any deed or instrument, or any of them, and any person claiming to be interested in the relief sought as creditor, devisee, legatee, heir, or legal representative of a deceased person, or as cestui que trust under the terms of any deed or instrument, or as claiming by assignment, or otherwise, under any such creditor or other person as aforesaid, may take out as of course, an originating summons, returnable before a judge sitting in chambers for such relief of the nature or kind following, as may by the summons be specified, and as circumstances of the



case may require, that is to say, the determination, without the administration of the estate or trust, of any of the following questions—

- (a) any question affecting the rights or interest of the person claiming to be creditor, devisee, legatee, heir or cestui que trust;
- (b) the ascertainment of any class of creditors, devisees, legatees, heirs, or others;
- (c) the furnishing of any particular accounts by the executors, administrators or trustees, and the vouching, when necessary, of such accounts;
- (d) the payment into court of any money in the hands of the executors, administrators or trustees;
- (e) directing the executors, administrators or trustees to do, or abstain from doing, any particular act in their character as executors, administrators or trustees;
- (f) the approval of a sale, purchase, compromise or other transaction;
- (g) the determination of any question arising directly out of the administration of the estate or trust.

32. In *re Estate of Julius Ndubi Javan (Deceased)* [2018] eKLR, the court held:-

“For better appreciation of the effect of the determination of ownership under Order 37 of the Civil Procedure Rules on a succession cause and the relationship between the two proceedings, see Musyoka J in *re Estate of Stone Kathuli Muinde (Deceased)* [2016] eKLR that:

“...If a decree is obtained in such suit in favour of the claimant then such decree should be presented to the probate court in the succession cause so that that court can give effect to it.”

33. Further, the Court of Appeal in *Pacific Frontier Seas Ltd v Kyengo & another* (Civil Appeal 32 of 2018) [2022] KECA 396 (KLR) (4 March 2022) (Judgment) held:-

“There were disputes that arose in the context of a succession case which had to be resolved through the dedicated institutions or the specific mechanisms provided by the law for that purpose. Rule 41(3) of the Probate and Administration Rules contemplated situations where it was not possible or convenient to resolve disputes that arose in the course of determining an application for confirmation of a grant, such as the identity of persons claiming to be beneficiaries, their share or estate, conditions or qualifications attaching to such share or estate among others. In such instances, the court was empowered, before confirming the grant, to await a determination of the question in proceedings under order 37 rule (1) of the Civil Procedure Rules (Originating Summons). Order 37 rule (1) would not have been necessary if the succession court was entitled to deal with all and sundry issues that could arise in a succession cause.”



34. It is salient that the free property of the deceased be identified before distribution and in this case, the ownership of the property Silibwet Plot No. 79 has to be determined before the deceased's entire estate is distributed. In *re Estate of David Kyuli Kaindi (Deceased)* [2016] eKLR, the court held:-

“It is important to note that the collection of the estate entails several things. It involves ascertaining and identifying the assets that belong to the estate. This would include collecting debts and perfecting imperfect titles. Ideally, one cannot move to distribution of the estate before they have ascertained and collected the estate, for what should be distributed is what has been ascertained and collected.....” (Emphasis mine)

35. The primary function of the Probate Court is to identify and distribute the free property of a deceased. Rule 41(3) of the *Probate and Administration Rules* provides:-

Where a question arises as to the identity, share or estate of any person claiming to be beneficially interested in, or of any condition or qualification attaching to, such share or estate which cannot at that stage be conveniently determined, the court may prior to confirming the grant, but subject to the provisions of section 82 of the Act, by order appropriate and set aside the particular share or estate or the property comprising it to abide the determination of the question in proceedings under Order XXXVI, rule 1 of the Civil Procedure Rules and may thereupon, subject to the proviso to section 71(2) of the Act, proceed to confirm the grant.

36. I concur with Gikonyo J. *in re Estate of Julius Ndubi Javan (Deceased)* (2018 eKLR, where he held:-

“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 such property is distributed. And that is the very reason why rule 41(3) of the Probate and Administration Rules was enacted so that claims which prima facie valid should be determined before confirmation.....”

37. Similarly *in re Estate of Atibu Oronje Asioma (Deceased)* (Succession Cause 312 of 2008) [2022] KEHC 11046 (KLR) (22 July 2022) (Ruling), the court held:-

“The probate court only distributed assets that were undisputedly owned by the deceased. Assets that were unencumbered or the subject of ownership disputes were not undisputedly owned by the deceased, and were not available for distribution by the court until the encumbrances were removed or the ownership disputes resolved. Property available for distribution was defined in section 3 of *Law of Succession Act* as the free propriety of the deceased.”

38. Flowing from the above, I am unable to find that Silibwet Plot No.79 formed part of the deceased's estate. This is so because there is a dispute as to its ownership and until the dispute is determined, uncertainty on the ownership of Silibwet Plot No.79 reigns. I find concurrence in the case of *re Estate of Sananga Okonda (Deceased)* [2020] eKLR, where Musyoka J. held:-

“It must be made clear that the probate court distributes assets that are established as belonging to the deceased. Proof of ownership of property is through documents. For land, documents of ownership are issued by the government, either at national or county level. Certificates of ownerships must be availed, be they title deeds or certificates of official searches or letters from relevant authorities confirming that those assets exist and, according



to their records, the same belong to the estate of the deceased. No court will distribute an asset whose authenticity and ownership is not established. Courts do not act blindly. The law is about certainty, and not vagueness, uncertainty and ambiguity.

A court does not confirm a grant merely because the administrators have invited the court to confirm it. It must be satisfied that all the persons beneficially entitled have been ascertained, the assets that ought to be shared amongst the said beneficiaries have been ascertained, and that there is proof that the said assets belong to the deceased. The court does not distribute assets that are not shown to belong to the estate of the deceased. That would be an exercise in futility, for the lands authorities would not transmit property, in accordance with the certificate of confirmation of grant, where the assets sought to be transmitted do not either belong to the deceased or belong to someone else or ownership thereof is unascertainable.”

ii. Whether this court should review its Order made on 15th November 2022.

39. The Applicant wanted this court to review its Orders of 15th November 2022. On that day, this court adopted the Mediation Agreement dated 3rd August 2022 as the Orders of this court. It is the adoption of this Order that the Applicant wants this court to review.

40. For clarity, the Mediation Agreement dated 3rd August 2022 stipulated as follows:-

- i. That the Administrators for the estate of Alice Chepnetich Koske (deceased) are Nelson Mutai (first born son) and Vera Chepkemoi (8th born daughter).
- ii. That the parcel Kericho/Kapsimbiri/2058 be subdivided equally among the daughters of the deceased being Jane Chepkorir, Florence Chepkirui, Ewen Kipkemoi Tesot, Dorothy Chebwogen and Vera Chepkemoi.
- iii. That all shares at the Stock Exchange be put to sale through a stock broker and the proceeds divided equally among all beneficiaries.
- iv. That Sinendet Tea Multi-purpose Society Shares be allocated to Vera Chepkemoi.
- v. That Kapkoros Tea Factory Company Ltd Shares be allocated to Florence Chepkemoi.
- vi. That all Shares of Kenya Tea Development Authority Limited be allocated to Walter Kipngeno.
- vii. That each of the beneficiaries to be responsible for the follow up of the Shares and the proceeds.
- viii. That all pending Applications in court dated 29th January 2022 and 9th August 2021 be and are hereby marked as withdrawn with no Orders as to costs.

41. In adopting the Mediation Agreement, this court noted that all the parties had attended the Mediation and signed the Mediation Agreement.

42. Before I analyse the evidence on the prayer for Review, it is important to state the contents of Rule 63(1) of the *Probate and Administration Rules* which state:-

Save as is in the Act or in these Rules otherwise provided, and subject to any order of the court or a registrar in any particular case for reasons to be recorded, the following provisions of the Civil Procedure Rules, namely Order 5, rule 2 to 34 and Orders 11, 16, 19, 26, 40, 45 and 50 (Cap. 21, Sub. Leg.), together with the High Court (Practice and Procedure) Rules (Cap. 8, Sub. Leg.), shall apply so far as relevant to proceedings under these Rules.



43. The law on Review is based on Section 80 of the *Civil procedure Act* and Order 45 Rule 1 of the Civil Procedure Rules, 2010. It is salient to note that this court's power must be exercised within the framework of the aforementioned statutes.

44. Section 80 of the *Civil Procedure Act* provides as follows:-

Any person who considers himself aggrieved-

- (a) by a decree or order from which an appeal is allowed by this Act, but from which no appeal has been preferred; or
- (b) by a decree or order from which no appeal is allowed by this Act, May apply for a review of judgement to the court, which passed the decree or made the order, and the court may make such order thereon as it thinks fit.

45. Order 45 Rule 1 of the *Civil Procedure Rules*, 2010 provides as follows:-

(1) Any person considering himself aggrieved-

- (a) By a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
- (b) By a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for review of judgement to the court which passed the decree or made the order without unreasonable delay. (Emphasis mine)

46. From the above provisions, it is clear that section 80 of the *Civil Procedure Act* gives the power of Review while Order 45 of the *Civil Procedure Rules* 2010, sets out the rules. The rules limit the grounds applicable for Review as follows:-

- a. The discovery of new and important matter or evidence which after the exercise of due diligence, was not within the knowledge of the Applicant or could not be produced by him at the time when the Decree was passed or the Order made.
- b. On account of some mistake or error apparent on the face of the record.
- c. Any other sufficient reason and that the Application has to be made without unreasonable delay.

47. The Court of Appeal in *Tokesi Mambili and others v Simion Litsanga* [2004] eKLR held:-

- i. In order to obtain a review an applicant has to show to the satisfaction of the court that there has been discovery of new and important matter or evidence which was not within his knowledge or could not be produced at the time when the order to be reviewed was made. An applicant may have to show that there was a mistake or error apparent on the face of the record or for any other sufficient reason.
- ii. Where the application is based on sufficient reason it is for the Court to exercise its discretion.”



48. I have gone through the Application dated 29th May 2023 and the Applicant's submissions dated 6th November 2023 and there is no evidence to indicate that there was discovery of a new and important matter which was not within the Applicant's knowledge. I have also found no error apparent on the face of the record. The issue of the parcel Silibwet Plot No. 79 was not a new or important discovery. From the Applicant's assertion that it transmitted from their deceased's father to their deceased's mother, it is clear to the court that the beneficiaries were aware of its existence. It is not a new matter.
49. Finally, there was no sufficient reason given by the Applicant to warrant this court to review its Orders of 15th November 2022. To the contrary, the Mediation Agreement adopted as orders of the court appear to set a clear road map on the distribution of the deceased's estate. What is of concern to the court however is that the beneficiaries including the 2nd Respondent (whose duty it was to collect the estate as an administrator) were engaged in a scheme of shadow boxing through multiple applications over the estate instead of honestly, peacefully and expeditiously bringing the succession dispute to an end in order to take up their inheritance.
50. In the circumstances thereof, I reject the Applicant's prayer for a Review of this Court's Order of 15th November 2022.
51. In the end, I make the following Orders:-
- I. The prayers seeking inclusion of Silibwet Plot No. 79 in the deceased's estate cannot be granted in this Application and are struck out.
 - II. The Applicant and/or any beneficiary is at liberty to bring relevant proceedings to conclusively determine ownership of Silibwet Plot No. 79.
 - III. The prayer for review (Prayer 6) is dismissed.
 - IV. The Administrators being Nelson Kipngetch Mutai and Vera Chepkemoi Koskei are directed to bring summons for confirmation of Grant which accords with the Mediation Agreement within 30 days of today.
 - V. This being a family matter, I will make no orders as to costs.
52. Orders accordingly.

RULING DELIVERED, DATED AND SIGNED THIS 12TH DAY OF JUNE, 2024.

.....

R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of Mr Mugumya for the Objector Mr Leteipa for the Petitioners and Siele(Court Assistant)

