



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KERICHO**  
**Succession Cause 59B of 2001**

1 Family Law

Subject – Law of Succession

i) De Bonis Non

ii) The deceased male adult aged 60 years died on 2.9.00.

iii) Estate administered by widow as of 25.2.02 (Visram J)

iv) Widow dies leaving estate assets; unadministered. Date of death of widow 26.8.03.

3. Application 15.10.08 – De Bonis Non

4. **Held**

i) Application granted

ii) New administration be substituted with one who had already died.

5. **Case Law** - Nil

6. **Advocates**

S.K.Oboso advocate for M/S S.K. Oboso & Co. advocates for the applicant – present

***In the matter of the estate of the late***

**JOHN KIPRUTO KOSKEI ..... DECEASED**

**AND**

**SALLY CHEPKORIR KOSKEI ..... PETITIONER**

**AND**

**RULING**

**I: Procedure**

1. The application before me is one of De Bonis Non dated the 15<sup>th</sup> October, 2008.
2. Where an administratrix dies leaving the estate unadministered, another may be substituted to take over the task as administrator.

**II: Background**

3. On the 2<sup>nd</sup> September, 2000, the deceased, a male adult passed away. His widow took out a grant of letters intestate on the 25<sup>th</sup> February, 2002 (Visram J).
4. Unfortunately, the said widow passed away on 26<sup>th</sup> August, 2003 thereby leaving the estate unadministered.

**III: Application 15.10.08**

5. By an application dated 15<sup>th</sup> October, 2008, the applicant seeks this court's orders to be substituted in place of the deceased widow who has also now passed away.
6. I note that the applicant is the eldest son of the deceased. In an application of De Bonis Non form P&A 86 & P&A 19 as Petition and affidavit is filed.
7. The other siblings have given their consent that the applicant do be granted the orders sought.

**IV: Findings**

8. The application be and is hereby granted. The said applicant be substituted as a De Bonis Non.
9. I award the costs to be in the cause for the applicant.

**DATED** this 31<sup>st</sup> day of March, 2009 at **KERICHO**

**M.A. ANG'AWA**

**JUDGE**

**Advocates**

S.K.Oboso advocate for M/S S.K. Oboso & Co. advocates for the applicant – present