



IN THE MATTER OF ESTATE OF

KIPYEGON ARAP LANGAT DECEASED

AND

MARTHA TAPRANDICH LANGAT1ST PETITIONER

MARTHA LANGAT2ND PETITIONER

AND

WILLIAM BIEGONAPPLICANT

RULING

Application for grant of letters of administration intestate of assets unadministered (De Bonis Non)

I: Background

1. In the estate of the late Kipyegon Arap Langat (*deceased*) a male adult aged over 92 years old at the time of his death on 16th June, 1980 and not 16th July, 1983, two administratix were appointed to administer his estate after objection proceedings were concluded herein by Kimaru J on 8.6.06.
2. The two administratix were
 - i) Martha Langat and
 - ii) Martha Taprandich Langat both related to the deceased as his widows. This means that these are two houses herein.
3. Martha Taprandich Langat has since passed away. There are assets unadministered.

II: Application De Bonis Non 8.6.09 and filed 9.6.09

4. Wilson Biegon a son to the original deceased Kipyegon Arap Langat brings this application for De Bonis Non. He seeks that he may be appointed as an administrator to continue to administer the estate of the deceased that has been left unadministered upon the death of one of the administratix named herein.

III: Findings

5. When one of the two administratix/administrators dies, the rules under the Law of Succession Act provides that the remaining administratix should proceed with completing the administration of the grant.
6. The applicant herein informs the court that after the protracted court case as to who should be appointed an administrator to the estate, namely objection proceedings (*by Kimaru J 8.6.06*) under **rules**

17 of the Act, the two administratrix were duly appointed. Unfortunately the court file went missing and the matter was unable to proceed on.

7. Due to the special circumstances of this case being that there are two houses and that this matter has been delayed considerably. I accordingly grant the application for De Bonis Non with costs being in the estate.

8. I note the forms filed herein initially are defective and order that form 80, 11,12,5, and 57 be amended and filed correctly as to law. P&A 5 to disclosed all the survivors their ages and relationship to the deceased. P&A 57 to be registered at the lands department, documents section.

9. If there is no Kenya Gazette Notice issued by this court the same be accordingly issued together with form P&A 30 from Principal Registrar.

10. The application for De Bonis Non be accordingly granted with costs in the estate.

DATED this 17th day of June, 2009 at KERICHO

M.A. ANG'AWA

JUDGE

Advocates

J.K. Kurgat advocate instructed by the firm of M/S Kiplenge Kurgat & Co. advocates for the Petitioner - present