



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
SUCCESSION CAUSE 259 OF 1999
IN THE ESTATE OF THE LATE

KIMAGUT NGENO DECEASED

And

ESTHER CHEPKIRUI NGENO PETITIONER

VERSUS

ESTHER CHELELGO NGENO OBJECTOR

RULING

Application for De Bonis non

I: Background

1. The deceased Kimagut Arap Ngeno passed away on 30th July, 1992 aged 75 years old. He died of cancer.
2. A grant of letters administration was made to one Esther Ng'eno on 15th October, 1999. The grant was then confirmed on 27th June, 2000. In any event the names of Esther Ng'eno seems to have been amended to add the name Chepkirui. Both grant having issued by Rimita J.
3. It seems there was another Esther Ngeno who on 26th March, 2003 applied for revocation of grant. The matter was referred to arbitration by Visram J.
4. The parties on being heard by elders returned to the High Court to seek the setting aside of the said grant. This was granted by Kimaru J on 11th June, 2004 on irregularities.
5. The position of this file were issues of revocation proceedings. Unfortunately, before they could be heard Esther Ngeno – Chepkirui passed away on 21st August, 2005. The parties were at a loss on how to proceed with this matter and nothing took place until 26th January, 2009 when the advocate J.K. Kirui applied for De Bonis non application.

II: De Bonis non

6. The application was applied for through one John Cheruiyot Bett a son to the deceased seeking to act as administrator in place of

his mother.

7. The application herein has merits. I would allow the same and order that the said John Cheruiyot Bett be and is hereby made the administrator in place of Esther Ngeno.
8. The costs be in the estate.

DATED this 31st day of July, 2009 at **KERICHO**

M.A. ANG'AWA

JUDGE

Advocates

J.K. Kirui advocate instructed by M/S J.K. Kirui & Co. advocates for the Petitioner/ Applicant – present

Petitioner/Applicant - absent