



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT KERICHO

Succession Cause 69 of 1996

KIBENGAT ARAP KIBUSIA DECEASED

AND

JOEL KIMUTAI LANGAT APPLICANT

AND

RUTH CHELANGAT CHEMURWOK

PETITIONER

RULING

I: The procedure

1. In this Law of Succession Cause, Ruth Chelangat (*now deceased*) and widow Barnabas Kibengat Kibusia aged 53 years old at time of death, took out letters of grant intestate for the estate of her said late husband.
2. The Succession Cause was finalized but a third party came to court seeking revocation of grant. The Hon. (*Apondi Muga, J*) instead permitted the parties to revoke the grant by consent. The deceased assets that had gone to her and her two sons was set aside and reverted back to the estate of the deceased.
3. The Petitioner Ruth Chelangat now aged 88 years passed away.
4. Her son now files application for De Bonis non and prays that he be permitted to continue with the administration of the said estate. To do this he requires to file form P & A 86 together with an affidavit in the prescribed form.
5. The said applicant was requested (*Kimaru, J*) to serve the said interested party who had the grant revoked. The said person failed to attend court having been duly served.

II. Application 11th June 2007

6. The applicant seeks to be permitted to administer the estate of Kibengat Arap Kibusia because the administratrix who was to administer the estate has now died. This application by way of De Bonis non is sought by the applicant to complete the deceased's estate.

III. Findings

7. I accordingly allow the application with costs being in the estate.

8. Joel Kimutai Langat be and is hereby appointed by way of a De Bonis non the new administrator of the estate of Kibengat Arap Kibusia.

DATED this 12th day of November 2008 at **KERICHO**.

M.A. ANG'AWA

JUDGE

Advocates – S.K. Oboso advocate instructed by M/S Oboso & Co. advocates

For the applicant

No appearance for the Respondent