



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**MISC. CIVIL APPLICATION NO 18 OF 2019**

**IN THE MATTER OF AN APPLICATION FOR PRESUMPTION OF DEATH OF FRANCIS ARIONG' APOO**

**ESTHER LAPIYO.....APPLICANT**

**R U L I N G**

1. This is an application for presumption of death in respect to one **FRANCIS ARIONG' APOO** (hereinafter called the Subject). The application is brought by his wife, **ESTHER LAPIYO** (the Applicant).
2. I have read the two affidavits sworn and filed in support of the application. One affidavit is by the Applicant and the second one by a daughter of the Applicant and the subject called **ISABEL ARIONG'**. I have also perused all the documents annexed to these affidavits.
3. The Subject was an officer with the **Kenya Army** then attached to the **Isiolo Armoured Brigade**. It is said that on the 23/10/2011 he went to visit his army friend, one **JOSEPH LOKINYAT**, at a place called *Epialing* where both were attacked by a group of people from a hostile community. They fled in different directions. Joseph Lokinyat escaped but the Subject was never seen again alive or dead.
4. Joseph Lokinyat reported the matter at **Isiolo Police Station**. A search was mounted for the Subject but he was never found, dead or alive. It is presumed that he was killed by the hostile community and his body either destroyed or left in the bush where it was eaten by wild animals.
5. It has now been over 8 years since the Subject was last seen or heard of or from by his wife or children, or others who might be expected to have seen or heard from or of him.
6. Upon the material now before the court, I have no hesitation at all in allowing the application in the following terms –
  - i) **FRANCIS ARIONG' APOO (ID NO 0611066) is hereby presumed dead.**
  - ii) **The Registrar of Deaths is hereby directed to issue a death certificate in respect to the said FRANCIS ARIONG' APOO.**

It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 4<sup>TH</sup> DAY OF DECEMBER 2019**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 5<sup>TH</sup> DAY OF DECEMBER 2019**