



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO Succession Cause 268 of 2007

1. Family Law

2. The Law of Succession Act Cap 160 Laws of Kenya

Subject of application

i) De Bonis non

- a) Deceased female adult aged 64 years old on 6th January, 1987.
- b) Grant of letters intestate taken out by three nephews
 - i) Kipkemoi Arap Soi
 - ii) Kiprono Arap Cheruiyot
 - iii) Kiplongo Arap Chepkowny
- c) Assets Kericho/Kipchimchim/1942 (Title deed 16th June, 1986).
 - d) Deceased had no children nor spouse
- e) Letters granted on 14th November, 2007 (Koome J).
 - f) Letters granted
 - Confirmation on 4th December, 2008 (Ang'awa J)
- g) All assets to Kipkemoi Arap Soi absolute

3. Kipkemoi Arap Soi passes away on 15th December, 2008.

4. Application 10th November, 2009 for *De Bonis non*

5. Held

i) Application granted

ii) Separate grant be done for deceased

iii) Unique position

6. Case Law - Nil

7. Advocate –

Applicants in person

IN THE MATTER OF THE ESTATE OF THE LATE

LANGOK TIONI DECEASED

AND

KIPKEMOI ARAP SOI1ST PETITIONER

KIPRONO ARAP CHERUIYOT2ND PETITIONER/APPLICANT

KIPLONGO A. CHEPKWONY3RD PETITIONER/APPLICANT

RULING

De Bonis Non

I: Background

1. The late Langok Tioni became the registered proprietor of land parcel Kericho/Kipchimchim/1942 on the 16th June, 1986. A land title certificate was issued to her on 17th June, 1986. The land was 0.07ha. Unfortunately on the 6th January, 1987 she passed away aged 64 years old at Nyagacho – Matobo, Kericho. She had no children nor spouses, but she was survived by three nephews being

i) Kipkemoi Arap Soi

ii) Kiprono Arap Cheruiyot

and iii) Kiplongo A. Chepkwony

2. The three jointly applied for letters of grant administration intestate on 17th September, 2007. This was granted by this Court, after due formalities were fulfilled on 14th November, 2007 (*Koome J*). On the 4th December, 2008 almost a year later the letters of grant were confirmed (*Ang'awa J*) whereby the assets of L.R. Kericho/Kipchimchim/1942 was given absolute to Kipkemoi Arap Soi the 1st administrator.

II: De Bonis non

3. Unfortunately, on the 15th December, 2008 the said Kipkemoi Arap Soi being the 1st administrator passed away. By an application dated 3rd September, 2009 later withdrew and another of 10th November, 2009 filed, the applicant and son to the said Kipkemoi Arap Soi prayed that he may be permitted to take over the administration of the estate in place of his late father.
4. The application knows as *De Bonis non* is simply to complete the estate. There are two other administrator who make complete the estate. What is unique in this case is that Kipkemoi Arap Soi is also the heir absolute to the estate. It would mean after the deceased estate of Langok Tioni is complete another probate must be done for Kipkemoi Arap Soi touching on his estate as he now has two position to be dealt with namely an administrator and an heir.

5. The application for *De Bonis non* is granted to Stanley Kipkoech Kirui.

6. Costs to the Estate.

DATED this 14th day of December, 2009 at KERICHO

M.A. ANG'AWA

JUDGE

Applicants in person



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