Petition for a De Bonis Non Grant after Administrator Death

Educational sample 346 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

SUCCESSION CAUSE NO [reference]

IN THE ESTATE OF [DECEASED]

PETITION FOR A GRANT DE BONIS NON ADMINISTRATIS

1. The Petitioner applies for representation of the unadministered estate of [deceased] following the death of the sole administrator. The original grant date, confirmation status and administrator death evidence are [certified particulars]. This application does not merely substitute a name into the deceased holder grant.

2. The original deceased died in 1972. The relevant domicile, applicable substantive law and section 2(2) position must be established from [records and legal basis]. Current administration procedure is distinguished from assumptions about intestate shares under legislation commencing later.

3. The Petitioner is [grandchild and evidenced relationship]. All persons with equal or prior entitlement, beneficiaries and representatives of deceased beneficiaries are listed at [schedule]. Required consents, renunciations, citations and notices are [actual status], including any contested relationship.

4. The estate inventory identifies only the original deceased one-third undivided property interest, subject to the certified register. Other shares belonging to the deceased children estates remain separately administered. Values are supported by [actual valuation], or expressly labelled estimates where none exists.

5. The Petitioner seeks a lawful new grant for the remaining administration and the necessary order concerning the inoperative original grant. Distribution is reserved until confirmation. Related estate proceedings, liabilities, administration already completed and all objections are disclosed in the required prescribed papers.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Use the prescribed grant petition and affidavit, full inventory, deaths, family and interested-person disclosure, appointment priority, required consents or citations, notices and related causes. Address the existing grant and remaining administration expressly. Appointment does not authorise distribution before confirmation. Use the applicable petition and affidavit forms, full inventory, notice and consent procedure. Address revocation of the useless grant expressly; the historical Court overlooked an omission, which is not a filing shortcut. Apply the Probate and Administration Rules and the actual succession Court directions, rather than assuming ordinary civil motion procedure. Protect any minor or person lacking capacity.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

An estate originating from a 1972 death included a one-third undivided interest in a Mombasa property. The sole holder of the unconfirmed 2020 grant died in 2021. A grandson sought a de bonis non grant; an objector claiming a foster relationship through another deceased son opposed appointment.

The Court revoked the inoperative grant, appointed the grandson to administer the unadministered estate and dismissed the objection. He was directed to collect and gather assets without distribution before confirmation. The objector contested family status was left for subsequent proceedings; each party bore its costs.

Section 76(e), appointment priority and probate procedure address the death of a sole administrator. Separate estates and their shares must not be conflated. Because the original death predated 1 July 1981, section 2(2) requires checking the applicable historical substantive succession law; administration and confirmation remain distinct. This case does not establish a universal exclusion of foster or adopted children.

[2025] KEHC 9157 (KLR) - 19 June 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-naja-jehangir-austin-deceased-2025-kehc-9157-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-naja-jehangir-austin-deceased-2025-kehc-9157-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.