



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
SUCCESSION CAUSE NO. 65 OF 1992
IN THE MATTER OF THE ESTATE OF THE LATE SAWE ARAP CHOGE
(DECEASED)
INTERIM RULING

1. Before me is a chamber summons dated 8th July, 2024 supported by a sworn affidavit of **Isaac Kibet Laboso** seeking:

- 1. The summoning of a Registrar of Titles to appear to explain transactions that occurred between 1993 to 2018 relating to property previously described as LR No.11964/4 and specific transaction to Galaira Properties Limited on the 7th April, 1995.*
- 2. A declaration as to ownership of the aforesaid LR No.11964/4.*
- 3. Orders of cancellation and restoration of titles.*
- 4. A mischievous relief inviting this court to direct the Applicants/administrators to proceed with distribution.*
- 5. An order to the OCS to deploy security in administration of the estate.*

2. Without delving much to the merits of this application I note that the sole survivor of the deceased **Ms. Margaret Sawe** has responded to the

summons by filing her own certificate of urgency Application dated 25th October, 2024.

3. This Court accordingly arrests the ruling on the summons dated 8th July, 2024 on the following terms: -

- 1. A temporary order of stay of orders made on 25th April, 2024 is hereby issued pending hearing and determination of applications dated 8th July, 2024 and the one dated 25th October, 2024.**
- 2. The Application dated 25th October, 2024 shall be treated as a response to the Application date 8th July, 2024.**
- 3. The Court directs that no advocate shall swear or depone an affidavit on behalf of their clients in this matter.**
- 4. The administrators shall file a response to the Application dated 25th October, 2024.**
- 5. The Applicants in the Application dated 25th October, 2024 shall file written submissions within the next 14 days from today.**
- 6. The Administrators shall file written submissions within 21 days.**
- 7. All pleadings filed so far shall be considered.**
- 8. The Court notes sadly allegation of fraud, and criminal activities touching on this succession cause and parties are forewarned that the halls of justice are not bastions for criminal activities and that this court shall not hesitate to act where it is discovered that a litigant is**

***abusing or misusing the due process of the law to
commit and further a criminal activity.***

4. A new ruling date shall be fixed for the new term.

Orders accordingly.

**Ruling Signed, Dated and Delivered
at Nakuru on this 30th Day of October 2024.**

**Mohochi S. M.
JUDGE**