



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of John Murusa (Deceased) (Succession Cause
7 of 2022) [2023] KEHC 2831 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2831 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
SUCCESSION CAUSE 7 OF 2022
WM MUSYOKA, J
MARCH 24, 2023**

RULING

1. On April 30, 2020, I delivered a ruling, where I allowed a revocation application and dismissed another. I directed the administrator to apply for confirmation of his grant.
2. The application, that I am called upon to determine, dated December 20, 2021, arises from that ruling, and it seeks extension of time to file appeal against the orders made in the ruling, stay of proceedings and maintenance of *status quo*. Delay in filing appeal is explained on the basis that the ruling was delivered online, at the height of the Covid-19 pandemic, and the applicant did not have an email address, so he could not be contacted on that account.
3. The application is opposed. There are grounds of opposition. It is said that the Advocate for the applicant was not on record, and the delay was inordinate.
4. The ruling was delivered during the Covid-19 pandemic period, and I find that to be a reasonable excuse for the applicant not acting on time. The applicant has a right to challenge a decision of this court at a higher court, and that right ought to not be frustrated by the technicality of his Advocate not being properly on record.
5. The applicant is entitled to his day at the Court of Appeal, to get a second opinion on the matters at hand. I shall accordingly grant the prayers in the application dated January 31, 2022. Costs shall be in the cause.
6. It is so ordered.

C

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS.....24th
.....DAY OFMarch.....2023**

WM MUSYOKA

JUDGE



Erick Zalo, Court Assistant.

Mr Lugadiru, instructed by Lugadiru & Company, Advocates for the applicant.

Mr Iddi, instructed by Nandwa & Company, Advocates for the administrator.

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