



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Paul Kenneth Miheso (Deceased) (Succession Cause 90 of 2002) [2022] KEHC 11564 (KLR) (22 July 2022) (Ruling)

Neutral citation: [2022] KEHC 11564 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
SUCCESSION CAUSE 90 OF 2002
WM MUSYOKA, J
JULY 22, 2022**

RULING

1. The summons dated 15th February 2022 is up for hearing. It was filed on 15th February 2022, in the middle of oral hearing of a pending summons of revocation of grant, dated 21st January 2018, which commenced on 16th June 2021, and where 7 witnesses have testified.
2. The applicant is Bushirika Primary School, who seeks to be joined to the proceedings as interested party, having allegedly bought an asset of the estate, and, therefore, acquired a stake in the estate. The applicant seeks stay of proceedings to enable it file other papers. The application was opposed by the applicants in the application dated 21st January 2018 and was supported by the administrators.
3. I have looked at the record. It would appear that there was a transaction of sorts relating to sale of an asset of the estate to the applicant. I will say nothing about the legality or validity of the transaction, last I prejudice the position of either side. I am persuaded that joinder should be allowed, but I will not stay the proceedings. Let the applicant to the application dated 15th February 2022 file its response to the application dated 21st January 2018. I shall, therefore, allow the applicant in the application of 15th February 2022 to join the proceedings in the application of 21st January 2018 and to give evidence, stating its position. Should need arise, I shall allow recall of any of the witnesses who have so far testified for cross-examination. The applicant has 30 days to file and serve their response to the application dated 21st January 2018, and the other parties have liberty to file further affidavits, 14 days after they are served. The date for further hearing of the application dated 21st January 2018 shall be allocated at the delivery of this ruling.

RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS 22ND DAY OF JULY 2022.

W.M. MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant



Mr. Musiega, instructed by ABL Musiega & company, advocates for the applicant

Mr. Manyoni, instructed by Momanyi Manyonyi & company, Advocates for the administrator.

Mr. Mutoka, instructed by Shivachi Mutoka & company, Advocates for the objector.

