



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Makokha Elima Mafwabi (Deceased) (Succession Cause
344 of 2010) [2022] KEHC 13422 (KLR) (23 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13422 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
SUCCESSION CAUSE 344 OF 2010
WM MUSYOKA, J
SEPTEMBER 23, 2022**

RULING

1. On August 6, 2021, I delivered a ruling herein, where I held determination of a summons date October 26, 2020 in abeyance, to await the outcome of criminal proceedings in Mumias SPMCCRC No 1139 of 2019, where the principal asset in the estate was in contention. I had directed the parties to place the judgment in the criminal matter, once pronounced, before this court, so that after that I could progress the matter thereafter.
2. The court has delivered judgment in Mumias SPMCCRC No 1139 of 2019, and the parties have placed a copy on record, vide an affidavit by Mwanaisha Makokha Opondo. I have perused through the said judgment. Unfortunately, the most important page in that judgment, page 8, which bears the reasons, or the ratio decidendi, for the decision is pending. I am unable to determine the application one way or the other without a complete copy of the judgment before me.
3. Consequently, I direct the parties to place a complete copy of the judgment on record. I also direct the Deputy Registrar to call for the original record, the complete trial file, in Mumias SPMCCRC No 1139 of 2019, for perusal. The matter shall be allocated a date for mention, to confirm compliance, and for further directions.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA ON THIS 23RD DAY
OF SEPTEMBER, 2022.**

WM MUSYOKA

JUDGE

Erick Zalo, Court Assistant.

Ms. Wilunda, instructed by EA Wilunda & Company, Advocates for the administratrix.

Mr. Luchivya, instructed by Marisio Luchivya & Company, Advocates for the applicants..

