

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MIGORI

[CORAM: MRIMA, J.]

SUCCESSION CAUSE NO. 345 OF 2015

(Formerly Kisii High Court Succession Cause No. 452 of 2011)

IN THE MATTER OF THE ESTATE OF THE LATE JACOB SIMBA ABADHO (DECEASED)

BETEWEN

BENSON OGUTU SIMBA.....PETITIONER

VERSUS

PIUS OLIMA SIMBA.....PROTESTOR

ORDER

1. I have carefully considered the Notice of Motion dated 22/11/2019 which is now due for ruling.
2. I am of the considered view that there are cardinal issues which ought to be dealt with before rendering the ruling. The principal issue is whether this Court ought to hear what the other beneficiaries of the estate of the deceased herein, particularly one *Charles Odhiambo Auma*, have to say on the application.
3. In order to give the main parties in this Cause an opportunity to respond to the above issue I hereby make the following orders: -
 - a. **The matter shall be fixed for directions on 18/06/2020.**
 - b. **The Deputy Registrar of this Court to effect service upon Messrs. Mudeyi & Company Advocates and Pius Olima Simba.**

Orders accordingly.

DELIVERED, DATED and SIGNED at MIGORI this 28th day of May, 2020.

A. C. MRIMA

JUDGE