



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

MISC. APPLICATION NO. 93 OF 2016

IN THE MATTER OF: THE ADVOCATE ACT CAP 16, LAWS OF KENYA

AND

IN THE MATTER OF: TAXATION OF COSTS BETWEEN ADVOCATE & CLIENT

BETWEEN

THOMAS K'BAHATI T/A K'BAHATI & CO. ADVOCATES....ADVOCATE/APPLICANT

VERSUS

LIZZIE MUTHONI WANYOIKE

IN THE MATTER OF THE ESTATE OF TERESIA KABURA KAMAU ARISING FROM

SUCCESSION CAUSE NO. 64 OF 2010

IN THE MATTER OF THE ESTATE OF JOSPHAT MBURU WANYOIKE (DECEASED)

R U L I N G

1. Before court is an application dated 2nd of May 2018 filed in court on 3rd of May 2018, seeking for leave to appeal against the ruling and order made by this court on 20th April 2018.
2. **Order 43 Rule 1(3)** of the **Civil Procedure Rules** requires such an application if not orally made at the time the order is issued the same be made within 14 days.
3. The application which remains undefended seeks leave to file an appeal and indeed leave to appeal ought not to be denied ordinarily as the same is constitutionally granted.
4. Consequently, therefore leave be and is hereby granted. Appeal be filed within the next 30 days.
5. And since application is undefended there will be no order as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 31ST DAY OF JANUARY, 2019.

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ALI-ARONI

JUDGE