

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

PROBATE & ADMINISTRATION NO.212 OF 2010

IN THE MATTER OF THE ESTATE OF: MUKA ADUNGO DECEASED

BETWEEN

SIMON IGULUBERA IMUKA.....PETITIONER/ RESPONDENT

AND

PHILIP OMUSE OMANYALA OBJECTOR/APPLICANT

RULING

1. By way of chamber summons dated 31st October 2017 under sections 47&74 of the Law of Succession Act and rule 43 Probate and Succession Rules, the applicant sought leave to amend his objection and the draft amended application be deemed as duly filed upon payment of the requisite fees.
2. The application is premised on grounds that when the applicant filed his objection he was acting in person and therefore did not bring out the real issues. He subsequently instructed a counsel.
3. On the 27th March 2019, the parties sought to have the application disposed of by way of written submissions.
4. Upon my perusal of the submissions, I note that the application is not opposed.
5. The application is therefore allowed in the following terms:
 - a) That the draft amended application be deemed as duly filed upon payment of the requisite fees.
 - b) That the respondent be served with the amended application and be at liberty to file a response within 14 days of service.
 - c) Costs be in the cause.

DELIVERED and SIGNED at BUSIA this 26th day of September, 2019

KIARIE WAWERU KIARIE

JUDGE