

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

(FAMILY DIVISION)

SUCCESSION CAUSE NO 2773 OF 1999

IN THE MATTER OF THE ESTATE PETER MBUTHIA MUTOKAA (DECEASED)

RUTH WANJIRU MBUTHIA.....APPLICANT

VERSUS

LUCY WAIRIMU MBUTHIA.....RESPONDENT

R U L I N G

1. Before the matter was dismissed for nonattendance of the Applicant and her counsel on 5th December 2019, the matter was partly heard. This matter has been in court since 1999 and need to bring the same to a closure cannot be over emphasized.
2. The record indicates that as the date for hearing of the part heard matter was fixed both counsel and applicant were present.
3. Having considered submissions by both counsels on record and in the interest of justice, I will review the dismissal order, reinstate the suit with directions that same ought to be heard and concluded within the next 90 days.
4. Costs of this application should go to the Respondent in any event.

Dated and Delivered in Nairobi on this 19TH day of December, 2019

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ALI-ARONI

JUDGE