

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 236 OF 2005

IN THE MATTER OF THE ESTATE OF JEREMIAH MURITHI MWIRICHIA –DECEASED

JOSEPH MWEBIA JEREMIAH.....PETITIONER

VS

FLORENCE KAIRIGO.....1ST INTERESTED PARTY

LYDIA GACHERU MUTHEE.....2ND INTERESTED PARTY

RULING

By an application under Certificate of Urgency dated 12th August 2017 the applicant's herein sought orders reviewing, varying and setting aside order of the court made on 2nd August 2017 and reinstate the cause for hearing.

The grounds upon which application as made that the matter was moved from the date it had been fixed for hearing to 2nd August 2017 without notice of such movement and it was not done in good faith. It was argued that the interested parties had a very strong case.

The application was also supported by affidavit of Florence Kairigo and Lydia Gacheri Muthee who claimed to be daughters of the deceased. It is true that application for revocation of grant had been scheduled for hearing on 3rd August but was cause listed a day earlier and by oversight dismissed for want of prosecution. There is no evidence any of the parties were aware of this change and none was in court. The order made on 2.8.2017 is therefore set aside and application for revocation reinstated for expeditious hearing and determination. No orders as to costs.

HON. A.ONG'INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 17TH DAY OF MAY 2018.

In the presence of:-

Petitioner: - Present in person. Mr Kimathi Kiara Advocate for Petitioner – N/A

Interested Party: - Mr Rimita Advocate for interested parties – No appearance

Interested party – Present in person

Order

Mention 28/6/2018 for directions

HON. A.ONG'INJO

JUDGE