

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2501 OF 2003

IN THE MATTER OF THE ESTATE OF ANDREW MUNGAI MUTHEMBA (DECEASED)

RULING

1. The summons dated 22nd February 2018 seeks extension of leave to appeal and of stay of execution of the judgement on record. The application is opposed vide the affidavit reply sworn on 25th April 2018.
2. Both sides have filed written submissions on the application, which I have read through and noted the arguments made. I am satisfied that a case has been made out for the extension sought.
3. I shall accordingly allow the application in terms of prayers 3 and 4 thereof. Leave to appeal and stay of execution of the judgment is extended by forty-five (45) days from date hereof. Costs shall abide the outcome of the proposed appeal.

DATED and SIGNED at KAKAMEGA this 19TH DAY OF OCTOBER, 2018.

W. MUSYOKA

JUDGE

DELIVERED, DATED and SIGNED at NAIROBI this 25TH DAY OF OCTOBER, 2018.

M. MUIGAI

JUDGE