

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1577 OF 2006

IN THE MATTER OF THE ESTATE OF MARTIN LUTHER AWUOR (DECEASED)

RULING

1. I delivered a ruling on 12th May 2017, wherein is stated that I was unable to determine a preliminary objection filed herein on 15th July 2016 as the primary documents upon which it was premised were not in the record before me. I directed the parties to place on the record copies of the said documents.
2. The matter was mentioned on 5th June 2017. Mr. Donald, the applicant, indicated that he had only been able to get a copy of an affidavit of service. The party who filed the preliminary objection did not furnish me with any documents to facilitate determination of her objection. I have perused through the document placed before me by Mr. Donald. It is of no help to me in terms of providing the background I need to determine the preliminary objection. I am unable to move forward.
3. I have given the parties time to furnish me with the papers I need to decide the preliminary objection. They appear unwilling to help the court in that regard. This matter cannot be in limbo because of inaction by the parties. What I shall do is to dismiss the preliminary objection filed herein on 15th July 2016, bearing an even date.
4. Having disposed of the preliminary objection, I hereby direct the parties to move with speed and obtain a date for the disposal of the pending matters. It is so directed.

DATED, SIGNED and DELIVERED at NAIROBI this 19TH DAY OF OCTOBER, 2017.

W. MUSYOKA

JUDGE