

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 607 OF 2007

IN THE MATTER OF THE ESTATE OF NATHAN KAMOLO NGALO – DECEASED

BETWEEN

MARY KITENGELE KAMOLOAPPLICANT

VERSUS

TIMOTHY NZIOKI NDAMBUKI1ST RESPONDENT

FRANCIS MUOKI KAMOLO2ND RESPONDENT

BEATRICE KAMENE NZUVE3RD RESPONDENT

RULING OF THE COURT

On **15th November, 2016** this court reserved a ruling herein on direction as to which applications between the Chamber Summons dated **14th October, 2014** and **12th October, 2016** both filed by Mary Kitengele Kamolo should be heard first. I have looked at the nature of prayers in both applications. In my view the time of this court and of the parties would be served best if the two applications are heard together. The issues in both applications are cross cutting and it would be an improper use of time to hear the applications separately.

I have also looked at the Preliminary Objection filed by **Mr. Kitulu** on **15th November, 2016**. The same should also be determined together with the said applications.

Orders accordingly.

DATED AND DELIVERED AT MACHAKOS THIS 24TH DAY OF NOVEMBER, 2016.

E. OGOLA

JUDGE

In the presence of;

M/S Nzei for applicant

Mr. Mumbi for 2nd respondent

Mr. Mumbi holding brief for Kituku for 1st respondent

Court Assistant – Mr. Munyao