

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1827 OF 2010

IN THE MATTER OF THE ESTATE OF TAPORU OLE KUSERO (DECEASED)

RULING

1. The application for determination is a Motion dated 23rd June 2014, filed herein on 27th June 2014. It is brought at the instance of Wambui ene Taporu. She seeks stay of execution of orders that had been made on 10th June 2014 pending appeal. She has exhibited evidence that a notice of appeal was filed on 23rd June 2014. There is also copy of memorandum of the grounds of the proposed appeal.
2. The Motion is opposed by the respondents who have filed a replying affidavit.
3. There are interim orders that have subsisted since 8th July 2014.
4. The applicant no doubt is entitled to appeal at the Court of Appeal against orders made by this court. It is just that the orders made by this court are not executed to facilitate the filing of any intended appeal.
5. The orders impugned were made on 10th June 2014. The applicant has had sufficient time since then to file appeal. However, for whatever it is worth is shall extend the stay orders granted on 8th July 2014 till 31st January 2017. Beyond 31st January 2017 the applicant would have to seek stay of execution at the Court of Appeal.
6. It is so ordered.

DATED and SIGNED at NAIROBI this 16TH DAY OF DECEMBER, 2016.

W. MUSYOKA

JUDGE

DELIVERED and SIGNED this 20TH DAY OF DECEMBER, 2016.

R. OUGO

JUDGE