

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1892 OF 2011

IN THE MATTER OF THE ESTATE OF DANIEL NJOGU MACHARIA (DECEASED)

RULING

1. The application dated 17th February 2015 seeks the setting aside of orders made on 16th February 2015, dismissing the Summons for revocation of grant dated 8th August 2013 and the reinstatement of the said revocation application. The applicant has explained the circumstances under which the application was dismissed.
2. The respondent has opposed the application arguing that no good grounds have been advanced for the orders sought.
3. I have noted that the dismissal orders were made on 16th February 2015. The application before me was lodged in court two days thereafter on 18th February 2015. I have noted too that the matter was coming up for directions on the date the application was dismissed.
4. I will exercise discretion in favour of the applicant, and allow the application dated 17th February 2015 in terms of prayer 3 thereof. The respondent shall have the costs of the application. The parties shall thereafter fix the matter for directions.

DATED, SIGNED and DELIVERED at NAIROBI this 18TH DAY OF DECEMBER, 2015.

W. MUSYOKA

JUDGE