

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO: 911 OF 2003

IN THE MATTER OF THE ESTATE OF JAMES NZOMO MWELI – (DECEASED)

RULING

1. I am meant to write a ruling on an application dated 5th October 2003.
2. Kimaru J had on 8th November 2010 directed that the parties file written submissions in respect of the application dated 5th October 2003. This followed a request by counsel that the application dated 5th October 2003 be disposed of by way of written submissions.
3. The parties filed the written submissions on the said application dated 5th October 2003. The applicant submissions are dated 21st February 2011 and were filed in court on 21st February 2011. The submissions by the respondent are dated 1st December 2010 and filed in court on 2nd December 2010.
4. I have carefully gone through the record and I have not come across the application dated 5th October 2003. The record holds two applications filed in 2003. There is a summons dated 1st August 2003 and filed in court the same day by Ogero Ogeto & Company, Advocates, and an undated summons for revocation of grant filed in court on 5th November 2003 by Nyaberi & Company, Advocates.
5. It is not clear to me which application I should be ruling on. Due to this uncertainty I am unable to prepare the requisite ruling. The parties shall avail copies of the application they are referring to.
6. Counsel appearing for parties should ensure that the papers they lodge in court are properly dated. Dating of court process is an elementary matter and designed to achieve certainty. One of the hallmarks of the legal profession is certainty. Failure to date documents filed in court is a serious oversight on the part of counsel which should be deplased, for it leads to confusion, wastage of time and avoidable delay.
7. The matter shall be mentioned on a date to be given in court at the delivery of this ruling.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2014.

W. MUSYOKA

JUDGE