

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 436 OF 2008

IN THE MATTER OF ESTATE OF JOSEPH MUOKI NDIVO.....(DECEASED)

RULING

1. I have perused the record in **HCSC No. 304 of 1997 and H.C.S.C. No. 436 of 2008**. I have noted that the proceedings have been highly contentious in both causes. I have also noted that there has been a mix up in the recording of proceedings in both matters since the two files were brought together.
2. I believe it would be fair and in the interest of justice that the application dated 30th July 2013 is allowed. The summons for confirmation dated 18th April 2013 shall be heard afresh.
3. It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF September, 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Kitheka advocate for the applicant.