



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**SUCCESSION CAUSE NO. 991 OF 2003**

**IN THE MATTER OF THE ESTATE OF AARON KIMOSOP KANDIE (DECEASED)**

**DIRECTIONS**

1. Directions were taken on 9<sup>th</sup> July 2014 that the application dated 19<sup>th</sup> October 2009 be disposed of by written submissions.
2. However, the application touches on Land Reference Number 1055/19 situate at Karen which belonged to the deceased AARON KIMOSOP KANDIE and which has since, following the confirmation of the grant, been transferred to MOTONI WEST VILLAS LIMITED.
3. MOTONI WEST VILLAS LIMITED are third parties who were not served with the present application, and yet if the application is allowed they will be affected.
4. I further note THAT in a ruling delivered on 14<sup>th</sup> October 2011 in **HCCC No. 344 of 2009** at Nairobi by Judge R.N. Nambuye aspersions were cast on the confirmation now subject of this application.
5. In view of the foregoing and in order that substantial justice be done to the Cause and to the parties, I ask that MOTONI WEST VILLA LIMITED be served with the application dated 19<sup>th</sup> October 2009 and to file and serve its response within 14 days of service. Thereafter, the parties shall have 14 days to file any affidavits in response. Subsequently, the application dated 19<sup>th</sup> October 2009 shall be heard by oral evidence on a date to be given on 24<sup>th</sup> November 2014.
6. In the meantime, parties should agree on the issues for determination.

**DATED at NAIROBI this 30<sup>th</sup> day of October, 2014.**

**A.O. MUCHELULE**

**JUDGE**