

IN THE HIGH COURT OF KENYA AT NAIROBI

MIS. CAUSE NO. 132 OF 2014

DAMARIS NYAMBURA NGUGI.....APPELLANT

VERUS

FRANCIS MUTUA NGUGI.....1ST RESPONDENT

JOYCE NYOKABI NGUGI.....2ND RESPONDENT

MILKAH WANJIRU NGUGI.....3RD RESPONDENT

RULING

1. The Motion dated 17TH July 2014 asks me in the main to grant leave for the filing of an appeal out of time in respect of a decision of the Chief Magistrate in Kiambu Chief Magistrate Court succession cause number 246 of 2004. There are several other prayers.
2. The applicant in essence appears to say that typed copies of the proceedings were not availed to her on time hence the delay in filing the appeal.
3. The application is not opposed although there is evidence that it was served.
4. There is merit in the application and justice of the situation favours the granting of prayer 2 of the Motion. The other prayers should be argued within the proposed appeal.
5. The applicant is given thirty (30) days to file and serve memorandum of appeal in respect of the impugned decision. There shall be stay of the certificate of confirmation issued in Kiambu Senior Resident Magistrate court succession number 246 of 2004 on 7th May 2014 pending appeal. The latter order shall lapse if appeal is not filed within the period stated.
6. It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 28th DAY OF November 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Gachiru advocate for the appellant