

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Succession Cause 52 of 2006

JAMES NJUGUNA & SEVEN OTHERS..... APPLICANT

V E R S U S

TERESIA WANGARI MUIRURI RESPONDENT/APPLICANT

R U L I N G

This is a Chamber Summons dated 15th July, 2009 filed by Ngala Morara & Company advocates for the applicants JAMES NJUGUNA & 7 OTHERS. The respondent is named as TERESIA WANGARI MUIRURI. It is an application for striking out an appeal and record of appeal filed in this court.

The grounds of the application are, inter alia, that the appeal was merely filed to delay distribution of the estate of the deceased. It is also a ground that the record of appeal filed does not contain any pleadings.

The application is not opposed. On the hearing date only Mr. Ngala for the applicants appeared in court, and addressed me.

Having considered the application, which is not opposed, I find that the application has merits. If the respondent wanted to oppose the application she would have filed his response, at least to clarify the position she did not. I therefore allow the application and grant prayer 1. As this appears to be a family matter and the application was not opposed, I order that the applicants bears their own costs of the application.

Dated and delivered at Nairobi this 4th day of March, 2010.

George Dulu
Judge.