

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

Succession Cause 2735 of 2001

IN THE MATTER OF THE ESTATE OF ALEXANDER WERIMO RUPIA (DECEASED)

R U L I N G

The parties on 6th May 2008 informed the court that they had agreed that the deceased died both testate and intestate and that having come to that conclusion they needed time to sit together to discuss a settlement which they could record today. Petitioner is in court but Objectors and their counsel chose not to attend despite the fact that it is their position that stands on the way to finalise this suit. In taking this position the objectors are holding this court at ransom. The court cannot accept this position and must move towards resolving the issues outstanding and the full case in the final analysis. Accordingly, the court resolves to make the following orders: -

ORDERS

1. Either party to file and serve a proposal for distribution within 30 days.
2. Mention on 1st July, 2008 for further directions.
3. If either party intends to call evidence to support and prove the proposed mode of distribution, parties to file and serve witness evidence affidavits within 30 days.
4. This ruling to be served upon the Objectors and other concerned parties.

Dated and delivered at Nairobi this 21st May 2008.

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D A ONYANCHA

JUDGE