



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**Prob & Admin Cause 34 of 1997**

***IN THE MATTER OF THE ESTATE OF MARY WAMBUI WANG'OMBE –DECEASED***

**SIMON MUCHIRI ..... OBJECTOR/APPLICANT**

**VERSUS**

**VIRGINIA NJERI CHURU ..... PETITIONER/RESPONDENT**

**RULING**

Simon Muchiri Kiai the Objector/Applicant seeks to have time extended to enable him file and serve a notice of objection to the taxation in this case. The applicant also seeks an order of temporary stay of any further proceedings and or execution pending the hearing and determination of the objection proceedings.

The applicant maintains that he was never served with the notice of taxation and that he has good grounds of objecting to the taxation. He claims that he will suffer irreparable loss if he is not granted extension of time. I have considered this application and the entire court record.. Although the applicant explains that he had withdrawn instructions from his former advocate he did not serve the appropriate notice showing he was now appearing in person, upon the Respondent's advocate. The Respondent's advocate having attempted to effect service on the advocate on record, the applicant has only himself to blame. From the proceedings it is also evident that the applicant has been rather lax in taking action in pursuing these proceedings. It appears that he is now only waking up because he is facing the threat of execution. Parties must learn to take court matter seriously. I find no justification for extending time or staying execution or proceedings.

I do therefore dismiss the application dated 23<sup>rd</sup> March 2003 with costs.

***Dated signed and delivered this 21<sup>st</sup> day of June 2006.***

**H. M. OKWENGU**

JUDGE