

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
SUCCESSION CAUSE NO.183 OF 2001
IN THE MATTER OF THE ESTATE OF FILIPO NYAKUNDI DECEASED
AND
OKINDO OAGARE APPLICANT
VERSUS
SAUL CHWEYA NYAKUNDI) RESPONDENTS
SAMSON ASIAGO NYAKUNDI)

RULING:

I have considered the application for adjournment and leave to file further affidavit. Indeed the Respondent should have annexed all the documents they wanted when they filed their replying affidavit. However as submitted there is a reference of service in the affidavit though affidavit of service was not filed. I feel it would be fair and just to let the Respondent file the documents for clarity.

I therefore allow application for adjournment. Respondent granted leave to file a further affidavit within 5 days from today's date. Corresponding leave granted to applicant.

Respondent to pay court adjournment fees and today's costs of shs.1000/= to the applicant before next hearing date.

KABURU BAUNI

JUDGE

15/6/04