



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 1068 OF 1990**

**IN THE MATTER OF THE ESTATE OF WAHOME GATERI  
(DECEASED)**

**R U L I N G**

From what has been brought to my attention during the hearing of this application, I hold the view that the Applicant does not have a genuine case, the inhibition question having been given by this court on 18-7-96 and issued on 26-7-96 to protect parcel of land No. 14/Gakurwe/62 during the pendency of this court's Succession Cause No. 420 of 1997 filed in accordance with this Court's Ruling dated 16-7-92 in this Succession Cause No. 1068 of 1996.

It means it is necessary to maintain that inhibition until the final determination of this Court's Succession Cause No. 420 of 1997 as if the said inhibition is removed, the Applicant before me now may interfere with parcel of land No. 14/Gakurwe/62 to render the relevant, final orders obtained in Succession Cause No. 420 of 1997 a nugatory.

Otherwise if the Applicant before me was not happy with the order dated 18-7-96 by which the inhibition was given, the Applicant should have appealed against that order and coming before me with the application he has come with is improper. From the above, therefore, the Applicant's application herein dated 16-8-2001 should be dismissed and the same is hereby dismissed. As this is a family matter, no order as to costs.

**Dated this 24th day of April, 2002.**

**J.M. KHAMONI**  
**JUDGE**