

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 13 OF 2001

JAMES GICHURU APPELLANT

VERSUS

CHARLES NGAII GITHUKI

SOLOMON KANETHE GITHUKI RESPONDENTS

Court:

Notice of Motion dated 8-10-2002 brought under Order III Rule 9A and Order L Rule 1 Civil Procedure Rules the proceedings in which the application is filed being proceedings Under the Law of Succession Act, Cap. 160 Laws of Kenya and the provisions of the Civil Procedure Rules aforesaid being those which are excluded from Rule 63 of the Probate and Administration Rules. Clearly the Notice of Motion is filed under wrong provisions and same being therefore misconceived, is incompetent and should not be entertained.

Accordingly the said Notice of Motion be and is hereby struck out.

Dated this 11th day of November, 2002.

J.M. KHAMONI JUDGE