

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
SUCCESSION CAUSE NO.179 OF 1994
IN THE MATTER OF THE ESTATE OF FRANCIS NJUGU KURIA

R U L I N G

This matter came before me for hearing on 16th May, 2001 but both counsels consented that directions having not been taken, if be taken out and stood over generally.

There upon counsel for the respondent prayed for costs. He submitted that the hearing date was taken ex-parte to court before counsel for the applicant took steps to have directions taken. But counsel for the applicant objects to counsel for the respondent being given costs.

But the record shows that on the 29th January,2001 the matter had been fixed for directions before Aluoch J. both counsels never appeared but the parties were present and directions were taken in the absence of the counsels, since directions had been taken though I the absence of counsels and the same is still in force having not been challenged, counsel for the respondent is not entitled to costs of to-day.

It is so ordered.

Dated and delivered at Nairobi this 23rd day of May, 2001

J. L. A. OSIEMO

JUDGE