



REPUBLIC OF KENYA



**In re Estate of Skinyili Lusike Mulia (Decesaed) (Succession Cause
64 of 1998) [2025] KEHC 4676 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4676 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE 64 OF 1998**

REA OUGO, J

APRIL 4, 2025

IN THE MATTER OF THE ESTATE OF SKINYILI LUSIKE MULIA (DECEASED)

BETWEEN

JABAN WAFULA MURUNGA (DECEASED) PETITIONER

AND

HERMAN O MURUNGA (DECEASED) RESPONDENT

AND

CHRISANTUS JUMA WAFULA APPLICANT

AND

WILLIAM WAMALWA WEKUNDA RESPONDENT

DONALD OKUMU SIKUNYILI RESPONDENT

RULING

1. The Applicant, through his application dated 4.10.2024, seeks that this court recuse itself on the reasons stated in his supporting affidavit, which he briefly highlighted at the hearing of his application. The application was opposed.
2. I have considered the oral submissions by the parties. This matter has been in court for a long time. The Applicant filed an application and this court gave a ruling. The applicant states that this court is on trespasser of the law. The applicant has failed to explain how this court is a trespasser of the law. From the applicant's affidavit is apparent that the applicant is unhappy with the orders issued. The applicant has a right to appeal against the said orders.
3. Regulation 21 of the [Judicial Service Code of Conduct and Ethics Regulation](#) of 2020 states as follows:



1. A judge may recuse himself or herself in any proceedings in which his or her impartiality might reasonably be questioned where the judge— Recusal.
 - (a) Is a party to the proceedings;
 - (b) Was, or is a material witness in the matter in controversy;
 - (c) Has personal knowledge of disputed evidentiary facts concerning the proceedings;
 - (d) Has actual bias or prejudice concerning a party;
 - (e) Has a personal interest or is in a relationship with a person who has a personal interest in the outcome of the matter;
 - (f) Had previously acted as a counsel for a party in the same matter;
 - (g) Is precluded from hearing the matter on account of any other sufficient
 - (h) Or a member of the judge’s family has economic or other interest in the outcome of the matter in question.
- (2) Recusal by a judge shall be based on specific grounds to be recorded in writing as part of the proceedings.
- (3) A judge may not recuse himself or herself if—
 - (a) No other judge can deal with the case; or
 - (b) Because of urgent circumstances, failure to act could lead to a serious miscarriage of justice;
4. In his affidavit, the applicant points out what are erroneous or wrong findings on the ruling delivered and the proceedings in court. As a court, I have guided the applicant every time he has been in court with patience and being firm when necessary. I have no prejudice against the applicant.
5. Any pending application in the matter will be dealt with on a given date. A decision or order made does not necessarily warrant or form the basis of the recusal of a judge.
6. I find no merit in the application. The applicant is at liberty to prosecute his pending application/s and to appeal against any decision this court has made. The applicant has not made out a case for recusal and therefore, I dismiss his application with no order as to costs.

DATED, SIGNED AND DELIVERED AT BUNGOMA THIS 4TH DAY OF APRIL 2025

R.E. OUGO

JUDGE

In the presence of:-

Applicant - Absent

Benson Simiyu Wafula

Wiliam Wamalwa Wekunda

Donald Okumu Sikunyuli

Wilkister -C/A

