



REPUBLIC OF KENYA



**In re Estate of Anthony Timothy Mariano (Deceased) (Succession Cause 500 of 2017) [2025] KEHC 10019 (KLR) (Family) (10 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10019 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**SUCCESSION CAUSE 500 OF 2017**

**HK CHEMITEI, J**

**JULY 10, 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE  
ANTHONY TIMOTHY MARIANO (DECEASED)**

**BETWEEN**

**MORSEL HIJRAT ..... EXECUTOR**

**AND**

**MARIA SBANOWICZ MARIANO ..... APPLICANT**

**RULING**

1. In her summons dated 14<sup>th</sup> June 2024 the Applicant seeks leave to appeal against the ruling of this court dated 6<sup>th</sup> October 2023.
2. The application is based on the grounds thereof and her sworn affidavit of the same date.
3. The gist of her application is that the court erred in dismissing her application on the grounds that this court had no powers to revoke a sealed grant.
4. That based on the said ruling the Respondent has attempted to evict the Applicant from a Flat No. 10 situate at LR 1870/V/241 Maruti apartments as well as fraudulently effecting transfer of the said property.
5. The application was not opposed by the Respondent despite being served.
6. I have perused the same as well as the history of this matter. It is trite law that leave ought to be obtained in succession proceedings by a party who wishes to appeal to the court of appeal.



7. Although I do not find any reason advanced by the Applicant for undue delay to seek the said leave, I find that the draft memorandum of appeal attached to the application raises heavy legal issues which in my view would be fit to be discussed and considered by the appellate court.
8. In the premises the application is allowed, the Applicant granted leave to appeal to the Court of Appeal within 14 days from the date herein.
9. Costs in the cause.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 10<sup>TH</sup> DAY OF JULY 2025.**

**H K CHEMITEI**

**JUDGE**

