



REPUBLIC OF KENYA



**In re Estate of Joseph Maina Naliamae (Deceased) (Succession Cause 4 of 2008) [2025] KEHC 9849 (KLR) (8 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9849 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
SUCCESSION CAUSE 4 OF 2008**

**MS SHARIFF, J**

**JULY 8, 2025**

**THE MATTER OF THE ESTATE OF JOSEPH MAINA NALIAMAЕ -  
DECEASED.**

**IN THE MATTER OF**

**OSCAR KIBERENGE NALIMAE ..... 1<sup>ST</sup> PETITIONER**

**IRENE NALIKA NALIMAE ..... 2<sup>ND</sup> PETITIONER**

**SCHOLASTICA CHEMARI WAMBETE ..... 3<sup>RD</sup> PETITIONER**

**RULING**

1. Whereas on 18.2.2025, Mr Were Counsel for the 1<sup>st</sup> Petitioner sought for an adjournment on grounds that this witness was in college, the same reason had been advanced today to crave for yet another adjournment of this cause.
2. Mr Paul Juma has submitted that the 1<sup>st</sup> Petitioner's witness who is said to be a college student must be a person who is techno-savvy and could have joined the court virtually.
3. I have considered the application by Mr Were and the response by Mr Paul Juma, and I have also considered the fact that this is a fairly old matter which has lasted over 17 years in court and hence the need to have it concluded expeditiously and I do note that no reasons have been advanced as to why this witness one Erick Nyongesa Nalimae has not joined the virtual court platform. I am thus not persuaded by the reasons for an adjournment and I decline to adjourn this cause today.
4. I do order that the matter do proceed as scheduled.

**DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 8<sup>TH</sup> DAY OF JULY 2025.**

**M.S. SHARIFF**

**JUDGE**

