



In re Estate of Abros Adera Nyamweya (Deceased) (Succession Cause 15 of 2018) [2024] KEHC 114 (KLR) (15 January 2024) (Ruling)

Neutral citation: [2024] KEHC 114 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 15 OF 2018
SM MOHOCHI, J
JANUARY 15, 2024
IN THE MATTER OF THE ESTATE OF ABROS ADERA NYAMWEYA -
DECEASED**

**IN THE MATTER OF
YOSABIA NYABOKE APPLICANT**

RULING

1. This 1st application has significantly been overtaken by events; the petitioners ultimately interned their deceased mother Susan upon mediation on the 6th August 2022.
2. The 2nd application dated 10th June, 2022, the judgment dated 31st March, 2022 is what the Applicants objectors seek leave to appeal from.
3. The Applicant equally sought a blanket stay of proceedings herein pending the intended appeal and the costs of the suit be provided for.
4. The Court in exercise of its discretion allows the 2nd Applicant application for leave to appeal the judgment of this Court.
5. The Applicants have 45 days leave to file the appeal and obtain the stay of execution of judgment under Order 5 Rule (2) (b) off the Court of Appeal.
6. A Sixty days' temporary stay of execution of judgment is hereby granted to enable the Applicants to argue an application for stay of judgment before the Court of Appeal.
7. This Court shall mention this matter on the 28th March, 2024 to ascertain the filing and arguing of application for stay and appeal before the Court of Appeal.
8. It is so ordered.



RULING DATED, SIGNED AND DELIVERED AT NAKURU. ON THIS DAY OF 15TH DAY OF JANUARY, 2024.

S. MOHOCHI

JUDGE

