



**Wambare v Wambare (Civil Appeal 1 of 2024) [2024] KEHC 3729 (KLR) (17 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3729 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CIVIL APPEAL 1 OF 2024  
DO OGEMBO, J  
APRIL 17, 2024**

**BETWEEN**

**DANIEL OKOTH WAMBARE ..... APPELLANT**

**AND**

**WILFRED OCHIENG WAMBARE ..... RESPONDENT**

**RULING**

1. I have considered submissions by both parties. There are allegations that the Administrator/ Respondent is in the process of selling off the property in dispute, to the detriment of other beneficiaries and counter claims that allegation is not true. The parties are all physically present and confirm their respective positions.
2. Should the fears of the applicant be actualized, then the intended appeal would be rendered nugatory. On the other hand, the administrator/respondent in my view stand to suffer no prejudice should this court issue orders sought by the applicant.
3. It is for this reason that I find merit in issuing interim orders that the applicants are seeking in this application, principally to preserve the estate.
4. In the circumstances, I grant an order of stay in the terms prayed for in prayer 3 of the application dated 22/1/2024 which states that the Certificate of Confirmation of Grant of letters of Administration issued to Wilfred Ochieng Wambare and dated 20/4/2022 and the judgment of Hon. PM Limo, Benjamin B dated 1/8/2023 be stayed pending the hearing of this application and appeal. The said orders of stay to be in force pending the hearing of this application. This application, being as urgent, as it is, is fixed for hearing on priority basis.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 17<sup>TH</sup> DAY OF APRIL, 2024**

**D. O. OGEMBO**

**JUDGE**

