



REPUBLIC OF KENYA



**In re Estate of Gordon Mark Agolla Hongo (Deceased) (Succession Cause 792 of 2007) [2024] KEHC 5730 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5730 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 792 OF 2007**

**RE ABURILI, J**

**MAY 9, 2024**

**IN THE MATTER OF THE ESTATE OF GORDON MARK AGOLLA HONGO (DECEASED)**

**AND**

**IN THE MATTER OF APPLICATION BY ROSE ACHIENG  
OKAKA AND JAMES OPERE AGOLLA - APPLICANTS**

**RULING**

1. Article 165(5) (b) of the *Constitution* expressly bars this court from indulging in ELC matters whereas this court can stay its own proceedings pending hearing and determination of a dispute before Environment and Land Court, this court cannot stay ELC proceedings pending hearing and determination of an ELC matter.
2. This court's jurisdiction is simply limited by Article 165(5) (b) of the *Constitution*.
3. In the premises, I find the application dated March 8, 2024 misplaced. It is hereby struck out with no orders as to costs. The hearing of the objection remains May 30, 2024 as earlier fixed by consent.
4. Ruling to be typed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 9<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

