



REPUBLIC OF KENYA



In re Estate of the Late Bainito Misiko Khalakayi (Deceased) (Succession Cause 44 of 2005) [2024] KEHC 5328 (KLR) (2 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5328 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE 44 OF 2005**

REA OUGO, J

MAY 2, 2024

BETWEEN

SAMSON JUMA KHALAKAYI PETITIONER

AND

WAFULA MASINDE APPLICANT

AND

GEOFFREY JUMA KHALAKAYI 1ST OBJECTOR

WAFULA MASINDE 2ND OBJECTOR

RULING

1. The applicant seeks to reopen the succession proceedings. The file was closed on 11/5/22 after the parties failed to appear in court to continue with the matter. The 2nd objector applicant states that he has a good cause of action in the matter and wishes to prosecute his application. He claims that it is in the interest of justice that the cause be reopened and that he be allowed to pursue his objection to its logical conclusion.
2. The application was not opposed by the petitioner/ respondent.
3. I have considered the rival affidavits in the application dated 15.1.2024, and the oral submissions by counsels for the parties, I will accept the explanation given by the applicant to reopen the succession proceedings to enable the petitioner to administer the estate's estate. Costs shall be in the cause. The court will give directions on the pending objection proceedings date 11.11.2019 on a given mention date.

DATED, SIGNED AND DELIVERED AT BUNGOMA THIS 2ND DAY OF MAY, 2024

R.E OUGO



JUDGE

In the presence;

Applicant - Absent

Respondent - Absent

Wilkister - C/A

