



In re Estate of the Late Irene Mumbi Waweru (Deceased) (Succession Cause 1366 of 2015) [2024] KEHC 7434 (KLR) (Family) (20 June 2024) (Directions)

Neutral citation: [2024] KEHC 7434 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1366 OF 2015
HK CHEMITEI, J
JUNE 20, 2024**

BETWEEN

PHILIP KIBE MBUGUA APPLICANT

AND

ROSE WANJIRU KIBE 1ST RESPONDENT

NANCY NYOKABI KIBE 2ND RESPONDENT

DIRECTIONS

1. Before this court are two sets of applications dated 22nd September 2023 and 25th September 2023. Both applications are seeking to annul the grant issued to the respondents on 16th June 2016 and confirmed on 6th February 2017.
2. I have perused the rival affidavits as well as the submissions on record. Initially the court was of the view that the issues were such that affidavit evidence would suffice.
3. After perusing the entire record of the proceedings herein, the relationships between the parties and the degree of consanguinity between the deceased and the applicants specifically I think that this is a matter that ought to be determined by way of viva voce evidence.
4. There has been a long passage of time and so much has happened in-between and there is therefore need to hear the parties orally.
5. In the premises I direct that the two applications shall be determined by way of oral evidence. The applicants shall be the plaintiffs and the respondents the defendants.
6. Further the parties are granted 21 days each to file and serve further affidavits or statements in support of their case if necessary.



7. The matter be fixed for hearing on priority basis.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 20TH DAY OF JUNE 2024.

H K CHEMITEI

JUDGE

