



In re Estate of the Late Wachira Githinji (Deceased) (Succession Cause 307 of 2003) [2024] KEHC 11809 (KLR) (6 June 2024) (Ruling)

Neutral citation: [2024] KEHC 11809 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE 307 OF 2003**

M MUYA, J

JUNE 6, 2024

**IN THE MATTER OF THE ESTATE OF THE LATE WACHIRA
GITHINJI (DECEASED)**

BETWEEN

CHARITY WANJIKU 1ST APPLICANT

BENJAMIN MAINGI KARIMI 2ND APPLICANT

AND

SERAH WAMBUI NDERITU 1ST RESPONDENT

ALI NDERITU NJOROGE 2ND RESPONDENT

JOHNSON KIRAGU WACHIRA 3RD RESPONDENT

RULING

- 1 The summon general dated 22nd August, 2022 seeks the following reliefs:
 1. That proceedings in this case be stayed pending the hearing and determination of Nyeri CM ELC Case No. 42 of 2021 and Nyeri ELC Appeal No. 54 of 2021.
- 2 I have perused the Respondents further affidavit dated 9th November, 2022. He depones that he is aware that Nyeri ELC Appeal No. 54 of 2021 was dismissed with costs against the applicants. Attached is the ruling.
- 3 He also depones that the applicants being dissatisfied with the dismissal filed appeal against the same in Nyeri Court of Appeal Civil Appeal No. 80 of 2022.
- 4 Nyeri CM ELC Cause No. 42 of 2021 was declared Res Judicata and the proceedings struck out by reason of the foregoing.



5 I find that the application dated 22nd August, 2022 has no merit and it is dismissed with costs to the Respondent.

RULING READ AND DELIVERED IN OPEN COURT THIS 6TH JUNE, 2024.

In the presence of:

Mr. Kago

Justus Kiragu Wachira

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M. MUYA

JUDGE

