



**In re Estate of the Late SNS (Deceased) (Succession Cause 1769 of 1999)
[2023] KEHC 2542 (KLR) (Family) (10 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2542 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1769 OF 1999
PM NYAUNDI, J
MARCH 10, 2023
IN THE MATTER OF THE ESTATE OF THE LATE SNS (DECEASED)
AND
IN THE MATTER OF PRESERVATION OF THE DECEASED’S ESTATE**

BETWEEN

**SSNS 1ST APPLICANT
MS 2ND APPLICANT
RS 3RD APPLICANT**

AND

SKHS RESPONDENT

RULING

1. The Application dated 21st day of September 2022 is presented by the Applicant under Articles 27 and 159 of *the Constitution* of Kenya, Sections 38, 47,66,76 a,b,c and d 83,87,94 and 95 of the *Law of Succession Act*, Cap 160 and Rules 43,44, 58 and 78 of the Probate and Administration Rules and any other enabling provisions of the Laws of Kenya.
2. The Applicant seeks orders that pending the hearing of his Application dated October 5, 2020, there be a temporary stay of all other proceedings in the cause.
3. The Application is opposed by the Respondents who have filed Grounds of Opposition dated September 26, 2022.
4. On October 5, 2022, the Court observing that there were 4 applications pending directed, with the consent of the parties, that the same be canvassed by way of written submissions. The 4 Applications



are those dated October 5, 2020, June 30, 2022, July 4, 2022 and September 21, 2022 (subject to this ruling). The parties opted to file consolidated submissions. For good order I will render separate rulings.

5. The Respondent presented the Application dated September 21, 2022 for the sole purpose of delaying the hearing of the Application dated June 30, 2022 pending the hearing and determination of his application October 5, 2020, considering the directions given on October 5, 2022, that application is spent and there is no live issue for this court to determine.
6. The Application is accordingly dismissed with no order as to costs.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 10TH DAY OF MARCH, 2023.

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P M NYAUNDI

HIGH COURT JUDGE

In the presence of:

.....**Advocate for Applicant**

..... **Respondent**

