



**In re Winnie Akoth Omondi (Probate & Administration
E006 of 2022) [2023] KEHC 3565 (KLR) (19 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3565 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
PROBATE & ADMINISTRATION E006 OF 2022
GL NZIOKA, J
APRIL 19, 2023**

**IN THE MATTER OF
PIUS PAUL ONYANGO & ANOTHER APPLICANT**

RULING

1. The subject application herein is dated July 10, 2022. The prayers in the same and the grounds/affidavit in support refers. However, as I was considering the matter, another matter reference No High Court Family Misc Succession Cause E002/2022 wherein the applicants therein are the same as those herein and so is the subject matter. In deed the prayers which were sought for in that matter are as same as herein. The application in the subject matter was heard and determined on May 18, 2022. The same was struck out for the reasons stated therein and the Applicants directed on how to proceed. Instead of doing as directed by the court, the Applicants have filed yet a similar application. In that case I strike out the matter herein as being an abuse of the court process and on the further ground that, the court is functus officio.
- 2 It is so ordered.

DATED, DELIVERED AND SIGNED THIS 19TH DAY OF APRIL, 2023

GRACE L. NZIOKA

JUDGE

In the presence of:-

Ms Kanana for the Applicants

Ms Ogutu-Court assistant

