



**In re Estate of Kiplangat Arap Rop (Deceased) (Succession Cause  
243 of 2014) [2023] KEHC 22390 (KLR) (20 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22390 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
SUCCESSION CAUSE 243 OF 2014**

**JK SERGON, J  
SEPTEMBER 20, 2023**

**IN THE MATTER OF  
SARAH CHELANGAT MARUS ..... APPLICANT**

**RULING**

1. The motion dated May 26, 2023 taken out by one Sarah Chelangat Marus was placed before this Court for hearing on July 6, 2023.
2. The parties namely Sarah Chelangat Marus and Ebrahim Noordin Sheikhdon appeared before this Court at the time the aforesaid application came up for interpartes hearing and urged this court to consider the Application and prepare a Ruling without them making any substitution.
3. I have perused the court record and it is apparent that this Succession Cause was placed before Lady Justice DR Kavedza for hearing on January 25, 2023.
4. It would appear the Learned Judge proceeded to dismiss this Succession Cause for want of prosecution on the aforesaid date.
5. The Succession cause having been dismissed, automatically makes the instant Application to be without any foundation.
6. The Succession Cause has to be reinstated first before entering such Application.
7. The motion dated May 26, 2023 is without any foundation hence the same is incompetently before this Court.
8. The same is hereby ordered struck out with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT VIRTUALLY THIS 20<sup>TH</sup> SEPTEMBER, 2023.**

.....  
**JK SERGON**



**JUDGE**

