



REPUBLIC OF KENYA



KENYA LAW
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**Kimani v Nzoka (Miscellaneous Civil Application E203 of 2024)
[2024] KEHC 14614 (KLR) (14 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14614 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS CIVIL APPLICATION E203 OF 2024
DO CHEPKWONY, J
NOVEMBER 14, 2024**

BETWEEN

LYDIA WANJIRU KIMANI APPLICANT

AND

JOSEPH MUSYOKA NZOKA RESPONDENT

RULING

1. This matter is for mention for parties to confirm compliance of directions issued on 11th October, 2024 in respect of a Notice of Motion application dated 9th October, 2024 and take a ruling date.
2. Having listened to both counsel for the parties, it is clear that the application is unopposed.
3. In the application dated 9th October, 2024, the Applicant seeks for orders that :-
 - a. Spent;
 - b. That this Honourable Court be pleased to order of stay of proceedings and all subsequent orders in Githunguri MCELC Case No.035 of 2023 pending hearing and determination of Summons for Revocation and/or Annulment of Grant in Githunguri Succession Cause No.149 of 2015.
 - c. That this Honourable Court do exercise its supervisory jurisdiction over the subordinate courts and call Githunguri MCELC Case No.035 of 2023 and Githunguri Succession Cause No.149 of 2015 for examination and give directions it consider to ensure that fair administration of justice give directions it considers appropriate to ensure that fair administration of justice.
 - d. That the costs of this application be provided for.



4. The application is premised on the grounds set out on its face and Supporting Affidavit sworn by Lydia Wanjiru Kimani, the Applicant herein on even date.
5. The application is unopposed and therefore all the facts before court remain uncontroverted. The application is therefore merited and allowed in the following terms:-
 - a. That an order of stay of proceedings and all subsequent orders in Githunguri MCELC Case No.035 of 2023 be and is hereby issued pending hearing and determination of Summons for Revocation and/or Annulment of Grant in Githunguri Succession Cause No.149 of 2015.
 - b. That in exercise of its supervisory jurisdiction over the subordinate courts, this Honourable Court hereby calls Githunguri MCELC Case No.035 of 2023 and Githunguri Succession Cause No.149 of 2015 for examination and directions.
 - c. That the costs of this application be in the cause.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 14TH DAY OF NOVEMBER , 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Marai counsel for the Applicant

Mr. Mwakireti counsel for the Respondent

Court Assistant - Martin

