

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

MISCELLANEOUS CIVIL APPLICATION NO. 41 OF 2020

HERBERT JUMBA KAVAI.....INTERESTED PARTY/APPLICANT

AND

EBBY KANGUHA KAVAI.....PETITIONER

VERSUS

RAHEL LODENYI ADOGA.....OBJECTOR

RULING

1. I have considered the application dated 31.8.2020 brought under the vacation Rules. I am satisfied that the same is urgent and deserves expeditious consideration. I certify it as urgent and direct that the application be heard during the Recess.
2. On the substantive prayer for opening of a skeleton file in respect of an alleged disappearance and/or misfiled Court file in Kakamega High Court Succession Cause No. 249 of 1992, I have perused the application, the grounds in support thereof and the supporting affidavit together with the annexures thereto.
3. As it has taken a while to conclude the very old succession cause, Justice delayed is justice denied.
4. I find the application merited and that the orders sought will not prejudice the Respondents in any way.
5. Accordingly, I hereby allow the application dated 31.8.2020 and order that the Deputy Registrar of the Court do open a skeleton file in respect of Kakamega High Court Succession Cause No. 249 of 1992, with the applicant herein supplying the Court with all the necessary documents which are relevant to the cause to enable the Court finally consider and adjudicate upon the pending issues in the cause.
6. Orders accordingly.

Dated, Signed and Delivered at Siaya this 1st Day of September, 2020

R.E. ABURILI

RECESS DUTY JUDGE