

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

BUNGOMA PROBATE AND ADMINISTRATION CAUSE NO. 153 OF 1998

IN MATTER OF THE ESTATE OF OKISAI KIROGE – DECEASED

AND

WYCLIFFE KIROGE ONYAMASIPETITIONER

VERSUS

WEPUKHULU NAKITAREOBJECTOR/APPLICANT

RULING

1. I have considered the application for leave to be heard during the recess. I grant leave to the applicant to be heard during the recess.
2. On the main Notice of Motion dated 13.8.2020, I observe that the orders sought include revocation of a grant and placement of restriction on **Land Parcel No. South Malakisi/Mwalie/4** and **subsequent titles**, which titles are not named.
3. For that reason, I am unable to consider the merits of the prayer sought as it does not name all the titles sought to be restricted. I however find the application discloses urgency.
4. I certify it as urgent and direct the applicant to serve the Respondent for interpartes consideration before the Presiding Judge at Bungoma on 17.9.2020.
5. This file to be returned to Bungoma High Court for final determination.
6. Orders accordingly.

Dated, Signed and Delivered at Siaya this 3rd Day of September, 2020

R.E. ABURILI

JUDGE

Recess Duty Judge