



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BUSIA**

**PROBATE & ADMINISTRATION NO. 110 OF 2015**

**IN THE ESTATE OF:**

**ALFRED PAPAI ORAITO.....DECEASED**

**BETWEEN**

**EUNICE AMOIT PAPAI**

**GEORGE IMWENE PAPAI.....PETITIONERS/RESPONDENTS**

**AND**

**JOHNSTONE ONYAIT ISUDI.....OBJECTOR/APPLICANT**

**RULING**

1. **Johnstone Onyait Isudi**, the objector/applicant herein moved the court by way of chamber summons dated 11<sup>th</sup> March 2019 under Rules 49 and 73 of Probate and Administration Rules sections 1, 1A & 3A of the Civil Procedure Act. He is seeking for stay of implementation of the certificate of confirmation of grant dated 16<sup>th</sup> February 2017.

2. The application is premised on the following grounds:

- a) That the applicant purchased a portion of land parcel number N.TESO/ABOLOI/387 from the deceased.
- b) That the applicant has filed Busia H.C.C. E.L.C. NO. 18 OF 2019 which is still pending and whose outcome has a bearing on the application for revocation now pending.
- c) That there is a likelihood of conflict or duplicity of orders.

3. The application was opposed.

4. I have perused the affidavit of the objector/applicant, his attached exhibits and the record. The application in my view is merited. I allow it and each party to bear own costs.

**DELIVERED and SIGNED at BUSIA this 13<sup>th</sup> day of June, 2019**

**KIARIE WAWERU KIARIE**

**JUDGE**