

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

SUCCESSION CAUSES NO. 11 OF 2016

In the matter of the Estate of GITI MWANGANGE (Deceased)

LYDIA WANGUI MUKUTHU.....RESPONDENT

V E R S U S

JEREVASIO CRISPIN KINYUA.....PETITIONER/APPLICANT

R U L I N G

1. I have perused the applicant's application undated but filed on 15/05/2018. It seeks for orders that a prohibitory order issued against the title of L.R. Nthawa/Riandu/2779 be lifted.
2. The respondent vehemently opposed the application in its replying affidavit.
3. This is an application that was filed when this case already had a judgment date. The position or the circumstances prevailing at the time of issuing the order have not changed and are likely to change when judgment is delivered in a few days to come.
4. The purpose of the orders was to protect the interest of the applicant in this case. After all the orders of the prohibitory order were to last until determination of this case. Upon delivery of the judgment the orders shall lapse.
5. If any orders are given at this stage, they will serve no useful purpose.
6. I find this application is misconceived and it is hereby struck out with costs.
7. It is hereby so ordered.

DELIVERED, DATED AND SIGNED AT EMBU THIS 5TH DAY OF JULY, 2018.

F. MUCHEMI

J U D G E

In the presence of:-

Mr. Okwaro for Andande for Respondent

Petitioner/Applicant