

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

SUCCESSION CAUSE NO. 652 OF 2014

IN THE MATTER OF THE ESTATE OF DAVID NJERU Alias DAVID NJERU NGONDI DECEASED

V E R S U S

STELLA WANJIKU KAMAU.....APPLICANT

DANSON NJOROGE NJERU.....1ST RESPONDENT

PETER KAMAU NJERU.....2ND RESPONDENT

TITUS MATI NJERU.....3RD RESPONDENT

RULING

1. The application pending before Court is dated 15/11/2016 whereby the applicant is seeking for the following orders;

a. The Deputy Registrar be authorized to sign all necessary documents to facilitate transfer transmission of deceased's estate to beneficiaries and land Registrar be authorized to dispensed with production of respondent's necessary documents during registration of RL 17 and 19.

b. OCS Wang'uru to provide security during sub-division of L.R No. Kabare/Nyagati/3294.

2. The application was based on the ground that the respondents have refused to sign necessary documents to facilitate transmission of deceased's estate to beneficiaries and refused to surrender their necessary documents. That confirmation of grant was issued on 24/05/2016.

3. The respondents proceeded to seek revocation of grant and the court dismissed the application on 07/12/2017.

4. The respondent proceeded to file replying affidavit on 02/03/2018 stating that the applicant has failed to inform the court of existing matter before **Nyeri CA Civil Application No. 17 of 2018** whereby they have filed an application dated 16/02/2018 seeking extension of time to file appeal against the ruling of 07/12/2017. That the applicant should allow the appeal to be determined.

5. In view of the pending application seeking to extend time to file an appeal, is in the interest of justice that the court awaits the outcome of the application in the Court of Appeal. This is because the application by the applicant if allowed will be followed by the execution of the ruling which the respondents have appealed against. The applicant is aware of the appeal. This being a matter involving family members, it is important that all issues are settled before the grant is effected. There will be no prejudice. I order that the proceedings be stayed pending the outcome of the application in the Court of Appeal. The matter shall be mentioned after 60 days.

Dated at Kerugoya this 13th day of December 2018.

L.W. GITARI

JUDGE