



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 491 OF 1998**

**IN THE MATTER OF THE ESTATE OF REUBEN WANYONYI alias REUBEN WANYONYI MASAYI, DECEASED**

**RULING**

1. The application for determination is dated 8<sup>th</sup> June 2015. It seeks the setting aside of orders made on 23<sup>rd</sup> April 2015 closing the file, and for an order that the matter be set down for hearing.
2. I have scrupulously perused through the file of papers before me. There is nothing on record indicating that the court made any orders on 23<sup>rd</sup> April 2015 closing the court file herein. There is therefore no order for me to set aside.
3. According to the record before me, the matter was last in court on 16<sup>th</sup> December 2004, when directions were given for disposal of a pending confirmation application. The parties went to sleep and the registry then in 2015 started efforts to have the file closed.
4. As there is no order closing the file, I shall allow the applicant to go on with the matter. I shall allocate him a date in court, at the delivery of this ruling, for the hearing of the pending business.

**DATED, SIGNED and DELIVERED at KAKAMEGA this 3<sup>RD</sup> DAY OF DECEMBER, 2018**

**W. MUSYOKA**

**JUDGE**