

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 521 OF 2012

IN THE MATTER OF THE ESTATE OF BENSON KIMANI GIKURU (DECEASED)

RULING

1. The summons dated 19th October 2015, as amended on 9th March 2015, seeks several orders, majority of them being for injunctive relief. However, to my mind the primary order is for leave to file appeal.
2. The proposed appeal is from the orders made in the ruling delivered on 9th October 2015. The application was filed ten days after delivery of the impugned ruling. The applicant therefore moved the court within reasonable time.
3. The law has provided for a second opinion from a higher court for persons who are aggrieved by our decisions. I shall accordingly grant leave to the applicant to file appeal against the orders made in the ruling delivered on 9th October 2015.
4. The estate comprises of assets situated within Murang'a County, in the Githumu area, I shall consequently order that the file herein be transferred to the High Court of Kenya at Murang'a for disposal.

DATED, SIGNED and DELIVERED at NAIROBI this 20TH DAY OF JANUARY, 2017.

W. MUSYOKA

JUDGE