

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2775 OF 2004

IN THE MATTER OF THE ESTATE OF GATHUKU MWANGI MUCHAI (DECEASED)

RULING

1. The summons dated 31st March 2016 seeks consolidation of this cause with another matter, a suit for division of matrimonial property in HCCC No. 503 of 2009. There are supplementary prayers that the two suits be determined simultaneously and, in the alternative, that HCCC No. 503 of 2009 be stayed pending determination of the instant probate matter.
2. I had directed on 29th June 2016 that the court file in HCCC No. 503 of 2009 be availed for perusal before the consolidation application is determined, for the court has to be satisfied, from the contents of both files, that consolidation is feasible and that the two matters can be disposed of simultaneously before ordering consolidation.
3. The said file has not been availed to date. I am therefore unable to determine the application dated 31st March 2016.
4. The Deputy Registrar is hereby directed to cause the court file in HCCC No. 503 of 2009 to be made available and placed in the court file in respect of the instant cause. Thereafter the Deputy Registrar shall have the matter listed for mention before a Judge for further directions.

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

W. MUSYOKA

JUDGE