



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1194 OF 2009**

**IN THE MATTER OF THE ESTATE OF REUBEN KIPLAGAT CHESIRE (DECEASED)**

**RULING**

1. On 31<sup>st</sup> July 2015, I delivered a Ruling wherein I dismissed an application dated 23<sup>rd</sup> May 2013 for stay of execution of an arbitral award. The said award had made findings, inter alia, appointing Alice Chepchumba Chesire and Stephen Kiprop Chesire as administrators of the estate of the deceased.
2. The matter was thereafter placed before me on 3<sup>rd</sup> February 2016 for directions that the cause be gazetted to pave way for the appointment of the two as administrators. Those directions were opposed by counsel for the applicant in the application dated 23<sup>rd</sup> May 2013, on grounds that the applicant was unaware that a Ruling had been delivered on the application. And that she needed time to obtain the Ruling and to study the same.
3. When the matter came up next, counsel for the applicant indicated that he had not yet obtained the Ruling and therefore they were not ready to take directions. It was submitted that the cause ought not to be gazetted as accounts were yet to be filed.
4. I have studied the record before me. I have noted that the award of the arbitrator dated 10<sup>th</sup> August 2011 was filed in court. An application to set it aside, dated 9<sup>th</sup> September 2011, was dismissed in a Ruling by GBM Kariuki J., delivered by Kimaru J. on 2<sup>nd</sup> May 2013. The application that I dismissed on 31<sup>st</sup> July 2015 was prompted by the events of 2<sup>nd</sup> May 2013.
5. Although the applicant did talk about an appeal against the decision by GBM Kariuki J., nothing has been placed before me as evidence that such an appeal was ever filed. Neither is there evidence of stay orders ever having been given by the Court of Appeal with respect to the said order or the award of the arbitrator. Certainly, this court has not granted any stay orders.
6. In view of the above, I do not see any bar to directions being given that the cause herein be gazetted with respect to the appointment of Alice Chepchumba Chesire and Stephen Kiprop Chesire as administrators of the estate herein in terms of the arbitrator's award of 10<sup>th</sup> August 2011. I do hereby give directions in those terms. Deputy Registrar shall cause the gazettelement, upon the payment of the requisite fees. It is so directed.

**DATED, SIGNED and DELIVERED at NAIROBI this 3<sup>RD</sup> DAY OF FEBRUARY, 2017.**

**W. MUSYOKA**

**JUDGE**