

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISUMU
SUCCESSION CAUSE NO. 256 OF 2013
IN THE MATTER OF ESTATE OF EZEKIEL ATIENO SIDIGU (DECEASED)

AND

IN THE MATTER OF AN APPLICATION BY

ESTHER ANDIEGO

JOSHUA O. OTIENO

CHRISTOPHER OLANG

SAMWEL OWITI.....PETITIONERS

AND

HENRY OWITI OBALA.....INTERESTED PARTY/RESPONDENT

RULING

I have considered the Notice of Motion dated 24th October 2016. The same merely seeks to amend a Notice of Motion dated 8th December 2015 so as to reflect that what the applicant wished to have dismissed for want of prosecution is not the entire cause but the “Interested Party’s” application in the Chamber Summons dated 23rd October 2013. The application has merit and leave to amend is allowed. The amended application be filed and served upon the so called Interested Party within fourteen (14) days. The said Interested Party shall then have three days to file and serve his replying affidavit and thereafter the Applicant shall file and serve a further affidavit (if need be) within three (3) days without waiting to come and seek leave. The Notice of Motion as amended shall then be canvassed orally on 27th March 2017. The costs of this application be in the cause. It is so ordered.

Signed, dated and delivered in open Court this 9th day of March 2017

E. N. MAINA

JUDGE

In the presence of:-

Christopher Olang

Serah Sidera – Interpreter1