



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1577 OF 2006**

**IN THE MATTER OF THE ESTATE OF MARTIN LUTHER AWUOR (DECEASED)**

**RULING**

1. What I should be determining herein is the objection raised by the Notice of Preliminary Objection lodged herein on 15<sup>th</sup> July 2016.
2. I have scrupulously perused through the record before me and I have not come across the original citation issued by this court, which is the basis of the objection. I have also not come across copy of the affidavit or affidavits that prompted the issuance of the said citation. All I can see is an incomplete copy of the citation attached to the affidavit of service of Michael K. Rotich, sworn on 14<sup>th</sup> July 2016.
3. I am accordingly unable to prepare the ruling as my record is incomplete. The parties shall cause the record to be completed to facilitate preparation of the ruling on the Preliminary Objection.
4. Matter to be mentioned on a date to be given in open court at the delivery of this short ruling, or by the Deputy Registrar at the registry.

**DATED, SIGNED and DELIVERED at NAIROBI this 12<sup>TH</sup> DAY OF MAY, 2017.**

**W. MUSYOKA**

**JUDGE**