

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1074 OF 2010

IN THE MATTER OF THE ESTATE OF DIXON SIMIYU NYONGESA (DECEASED)

RULING

1. The record before me is incomplete for there is an affidavit that appears to have been sworn on 24th August 2016 following the orders that I made on 26th July 2016. That affidavit is not on record, but is referred to in the affidavit sworn on 8th September 2016.

2. It would not be just for me to determine the application on record, dated 8th July 2016, without sight of the said affidavit. I shall accordingly delay the finalization of the ruling herein until such time that the parties avail to me a copy of the said affidavit.

3. The matter shall be mentioned on a date to be fixed at the date of the delivery of this short ruling, or at the registry.

DATED and SIGNED at NAIROBI this 3RD DAY OF MAY, 2017.

W. MUSYOKA

JUDGE

DELIVERED and SIGNED this 5TH DAY OF MAY, 2017.

M. MUIGAI

JUDGE