

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1736 OF 2008

IN THE MATTER OF THE ESTATE OF ERIC CAIRNS HANNA (DECEASED)

RULING

1. On 6th November 2013 I gave directions on the disposal of an application dated 30th May 2012. The applicant complied with the said directions and filed written submissions on 16th January 2014.
2. The only application on record dated 30th May 2012 seeks security for costs, yet the written submissions filed by the applicant appear to suggest there are two applications filed by the applicant dated 30th May 2012, one seeking revocation of grant and the other seeking security for costs.
3. The application for security for costs rides on the revocation, and where the revocation application is not on record, as in the instant case, then it would make no sense and cannot stand on its own. It should fail.
4. To do justice in the circumstances, I shall not strike out the application for security for costs instead I shall give opportunity to the applicant to cause the revocation application to be placed on record. I shall thereafter proceed to prepare my ruling thereon.
5. A mention date shall be allocated at the delivery of this ruling for the applicant to confirm that copy of the revocation application has been placed in the court file and for the fixing of a hearing date for the said application.

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