

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 458B OF 2003

IN THE MATTER OF THE ESTATE OF MUNIU MUCHAI (DECEASED)

RULING

1. In the application dated 10th June 2016 the applicants, Emma Wagikuyu and Elijah Muchai, seek leave to file appeal against the judgment delivered by the court on 27th May 2016 and stay of execution of the same judgment.

2. I have gone through the affidavit sworn in support and noted the grounds that the applicants propose to urge at the Court of Appeal. I am satisfied that the grounds are substantial and arguable. Appealing court decisions is a constitutional right. It is within the applicants' right to want to challenge my decision at the Court of Appeal for a second opinion.

3. Should the applicants file appeal, it follows that the decision of 27th May 2016 should be held in abeyance, so that its execution is suspended or stayed, for execution thereof could render the proposed appeal nugatory.

4. In view of what I have stated above, I shall grant the application dated 10th June 2016 in the terms proposed in prayers 1, 2 and 3 of the said application. The leave to appeal, the stay of execution and maintenance of *status quo* shall last for a period of six (6) months from the date of this ruling.

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