

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2111 OF 2005

IN THE MATTER OF THE ESTATE OF WANJIKU KARUGURO (DECEASED)

RULING

1. On 6th February 2015 a ruling was delivered herein dismissing an application dated 24th July 2009. On 19th March 2015, the applicant in the application of 24th July 2009 filed an application herein, dated 19th March 2015, seeking stay of execution and leave to appeal against the orders made on 6th February 2015. The application was served, and replies filed.
2. Directions were taken on 7th June 2016 on the disposal of the said application, by way of written submissions. The parties have complied and filed detailed written submissions, complete with authorities to support their respective positions.
3. I have carefully read through the application, the affidavits on record, the written submissions by both sides and the authorities cited. I note that this is a personal law matter. The applicant is entitled to have a second opinion. The law provides for appeal, and the applicant has a right of appeal.
4. I am inclined to grant the orders sought. I hereby grant leave to the applicant to file appeal at the Court of Appeal against the decision of this court made herein on 6th February 2015. Leave shall be for thirty (30) days. I also order stay of execution of the consent recorded herein on 24th June 2009. The said stay shall be for thirty (30) days. Costs shall be in the cause.
5. I have noted that none of the assets herein are situated within Nairobi, but at Kihara, Kiambaa, which is within Kiambu County. I shall accordingly order that the matter be transferred to the High Court of Kenya at Kiambu for disposal of any outstanding business.

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