

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 248 OF 2001

IN THE MATTER OF THE ESTATE OF KAMANU WANGEWA (DECEASED)

RULING

1. On 27th February 2017, counsel for the applicant in the application dated 19th November 2013 sought to have it withdrawn. It was explained that the withdrawal was informed by an order that had been made earlier, on 26th November 2008.
2. The order sought was vehemently opposed by the other parties. It was argued that the matter had come a long way, in terms of the hearing of the matter, by way of presenting evidence at the ongoing hearing founded on the said application.
3. I do note that the application sought to be withdrawn was filed by the applicant. I agree with his counsel that he should be at liberty to withdraw it at any time that he pleases, subject only to payment of costs.
4. Proceedings have been under way. Witnesses were called and cross-examined. No doubt this is a proper case for grant of costs. I shall order, in the circumstances, that the application dated 19th November 2013 be marked as withdrawn, with costs to the persons who are the respondents to that application.

DATED, SIGNED and DELIVERED at NAIROBI this 2ND DAY OF JUNE, 2017.

W. MUSYOKA

JUDGE