



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**SUCCESSION CAUSE NO. 211 OF 2009**

**IN THE MATTER OF THE ESTATE OF KAMAU GIKURI (DECEASED)**

**ABIJA WANJUE MBOGO.....APPLICANT**

***VERSUS***

**NJERU NYAGA.....RESPONDENT**

**RULING**

**Introduction:**

I Have perused the affidavits filed in this application. They raise issues that may be only be resolved by oral evidence. This is also clear from the submissions of the parties made in this court on 16<sup>th</sup> September, 2015. In those submissions, the parties took conflicting positions in respect of the subject matter in issue.

In the circumstances, I direct that the case proceeds to hearing and that oral evidence be produced. And for that reason, hearing of the case should be on 5th November, 2015.

**RULING DATED, SIGNED and DELIVERED** in open court at **EMBU** this.. 5<sup>th</sup> .. day of **OCTOBER .2015.**

In the presence of applicant and in the absence of the respondent.

Court clerk Mr Njue.

**J. M. BWONWONGA**

**JUDGE**

**05.10.15.**