

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Succession Cause 2767 of 2002

IN THE MATTER OF THE ESTATE OF ESTHER WANGUI MACHARIA – (DECEASED)

RULING

When this matter was placed before me on 28th January 2013, I was of the view that counsel were seeking a ruling date on the application dated 14th January 2010. The record reflects that Mr. Kinuthia urged the application dated 14th January 2010, but instead of Mr. Kinyanjui replying he applied for an adjournment on the grounds that Mr. Njoroge, whose brief he was holding, was engaged in another court. The court then reserved the matter for ruling.

Ultimately, the court did not rule on the application dated 14th January 2010. In his ruling dated 22nd November 2012, Njagi J. noted that the summons be should have been argued on 11th July 2012 was that dated 21st September 2010 and not that dated 14th January 2010. His Honour then decided not to rule on the summons of 14th January 2010 owing to that confusion.

The position therefore is that the application dated 14th January 2010 was argued by error. There is therefore nothing to rule on. This matter should be fixed for mention as directed by Njagi J on 22nd November 2012 for further directions.

DATED, SIGNED and DELIVERED at NAIROBI this 7th DAY OF MARCH, 2013.

W. M. MUSYOKA

JUDGE