

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

CIVIL APPEAL NO. 140 OF 2011

MADRIS MUKWAMBIRO MUCHIRI..... 1ST APPLICANT/PROTESTOR

JUDITH RUNJI MUCHIRI JOHN2ND APPLICANT/PROTESTOR

LOISE MARIGU MUCHIRI 3RD APPLICANT/PROTESTOR

VERSUS

NJERU MUCHIRI RESPONDENT

(An Appeal from the Judgment *M.W MUTUKU SRM* sitting at Runyenjes in succession Cause No. 81 of 2010 delivered on 4/11/2011).

DIRECTIONS

I have had an opportunity of reading through this appeal file and High Court Misc. application number 209/12. This appeal arises out of a Judgment in Runyenjes Succession Cause No.81/10. As this appeal remains pending the Appellants filed Misc. Application No.209/12 seeking orders of stay of the decree in Runyenjes Succession Cause number 81/10 against one SAM NJUE MUCHIRI who is not a party in the said cause or this pending appeal. The application filed therein is not based on any pleadings. If anything it is based on this appeal which does not involve the said SAM NJUE MUCHIRI. I find this Misc. Application to be an abuse of the due process of this Court. If the Appellants have any issues with the said Sam Njue Muchiri they should follow the right process to ventilate their grievances. What they are doing through the Misc. application is unprocedural and unacceptable.

1. I therefore strike out Misc. Application No.209/12 with costs.
2. The Deputy Registrar to follow up the Runyenjes file which has not been forwarded inspite of this appeal having been filed in 2011.

DATED, SIGNED AND DELIVERED AT EMBU IN OPEN COURT THIS 3RD DAY OF OCTOBER 2013.

H.I. ONG'UDI

J U D G E

In the presence of:-

M/s Nyaga for Kathungu for Respondent

Mr. Nyagena for Kariithi for Applicant

NJue – C/c