

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2593 OF 1996

**IN THE MATTER OF THE ESTATE OF GEORGE NGUGI MUCHAI
JOHN MUCHAI NGUGI.....APPLICANT/OBJECTOR
VERSUS**

MARGARET NGUGI.....1ST RESPONDENT

PETER KARANJA KAMAU.....2ND RESPONDENT

R U L I N G

This is an application to reinstate the application which was dismissed for want of attendance. I have gone through the affidavits sworn by the both parties. An application dismissed for non attendance is not decided on merit. The reasons given by the advocate for the applicant for not attendance together with the facts that this matter concerns the estate of a deceased person makes me believe that the parties should be able to be heard on merit. Accordingly the application is hereby reinstated for parties to take hearing dates in the registry but the applicants shall pay the costs of this application. Orders accordingly.

Dated and delivered at Nairobi this 31st day of July, 1998

A . MBOGHOLI MSAGHA

JUDGE