



**In re Estate of Isaiah Emuria Singa (Deceased) (Probate & Administration
525 of 2012) [2025] KEHC 13251 (KLR) (23 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13251 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
PROBATE & ADMINISTRATION 525 OF 2012**

MS SHARIFF, J

SEPTEMBER 23, 2025

IN THE ESTATE OF ISAIAH EMURIA SINGA (DECEASED)

BETWEEN

ETYANG OMUNYINI PETITIONER

AND

JOSEPHAT DOE OKIRIA OBJECTOR

RULING

1. Whereas on 28.7.2025 this court gave directions on the 1st objector's Josephat Doe Okiria's application dated 23.11.2024; that the submissions thereto highlighted on 23.9.2025 and whereas this court did in the morning give a time indication for the highlighting at noon, the objector has now made an oral application for recusal of myself and that he desires that his matter be handled by another Judge.
2. Mr Kituyi counsel for the Petitioner has vehemently opposed this oral application on grounds that no reasons have been advanced for the application and that the 1st Objector is turning this court into a circus. He prays that in the event the recusal application is allowed then the Petitioner be awarded costs of Ksh 10,000/-.
3. The 1st objector has in his rejoinder submitted that he does not see any reason as to why he should pay the Petitioner any costs and he maintains that he now has no faith in this court.
4. I have considered the rival submissions of parties in the absence of Mr Kraido who has opted to keep off and I do note that the 1st objector has not adduced any reason as to why he has suddenly lost faith in this court. This court cannot shy away from discharging its mandate simply because a party does not like its face; cogent reasons must be adduced to warrant a recusal. The 1st Objector cannot be allowed to forum shop just because he does not want to highlight his submissions on a date that was specifically set by the court, in his presence for that purpose. On the balance I find no merit in this application and I disallow it.



5. The 1st objector's application dated 23.11.2024 shall proceed for highlighting of submissions as scheduled.

DATED AND DELIVERED AT BUNGOMA THIS 23RD DAY OF SEPTEMBER 2025

M.S. SHARIFF

JUDGE

