



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NO.468 OF 2008

IN THE MATTER OF THE ESTATE OF WANJIRU MUBERI

KIMANI (DECEASED)

ALICE WANGARE NDUNGU

MARY WANJIKU NGIGI

APPLICANTS

JOSPHAT NJOGU MUBIRI

-VERSUS-

GEOFFREY KIMANI MUBIRI

RESPONDENT

RULING

1. By Summons dated 25th February 2025 the Applicants crave orders as hereunder:

- i. That this Honourable Court be pleased to issue an order of stay of execution of the Ruling delivered on 5th June, 2024 by Hon. Justice H. M. Nyaga pending the hearing and**

**determination of Nakuru COA Civil Appeal
Number E112 of 2024.(sic)**

**ii. That the costs of this Application be provided
for.**

2. The Applicants swore a joint affidavit in support of the Application. They aver that they are aggrieved by Ruling of the Court delivered on 5th June 2024 directing the deceased's estate to be distributed equally amongst the beneficiaries. The Court is also said to have ordered that the costs of surveying and subdividing land comprising the Estate would be shouldered equally by the beneficiaries. The Ruling of the Court alluded to above, provoked the Appeal.
3. The Applicants contend *inter alia* that they would otherwise suffer substantial loss and/or their Appeal would be rendered nugatory if stay of execution of the impugned orders is not granted.
4. An affidavit of Service of the Application is said to have been served. A copy of the affidavit is, however, neither filed in the Court's e-filing portal nor physically in Court. There is therefore no evidence of service of the Application.
5. As there is no proof of service of the Application upon the Respondent, it is hereby dismissed with no order as to costs.

Ruling Signed, Dated, and Delivered virtually at Nakuru

This 12th day of November, 2025.

**J. M. NANG’EA
JUDGE.**

In the presence of:

Applicants – absent

Respondent - absent

Court Assistant - Jeniffer

**J. M. NANG’EA
JUDGE.**

ORIGINAL