



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

FAMILY APPEAL NO. E014 OF 2024

NANCY WAMBUI WACHANG.....1ST APPLICANT/RESPONDENT

EUNICE WANGUI WACHANGA.....2ND APPLICANT/RESPONDENT

JULIA WANJIRU WACHANGA.....3RD APPLICANT/RESPONDENT

- VERSUS -

SAMUEL KAMAU.....1ST RESPONDENT/ APPELANT

MARY WAIRIMU.....2ND RESPONDENT/ APPELANT

PETER MBURU WACHANGA..... 3RD RESPONDENT/ APPELANT

RULING

1. This Court was moved by the Applicants/Respondent Counsel on the 24th July 2025 when counsel **Mrs. N. Njoroge** intimated the Court of there being an Application dated 21st January 2025 that awaits directions and determination.
2. This Court accordingly issued directions and as at the date of the ruling none of the parties had complied.

3. The Court further belabored to consider the said Application but to its surprise discovered that no such Application exists on record. The Application does not exist on the E-Filing portal and on the physical file.
4. Owing to the foregoing and that Courts determine cases based on the facts presented in the pleadings, along with the evidence produced during the trial. In specific situations, a Court can even make a final determination based solely on the pleadings without a full trial, there are no materials placed before the Court for its consideration.
5. This Court further notes that this is an Interlocutory Appeal against a ruling in the Probate and Administration matter in the Magistrate's Court. Being an Interlocutory Appeal the same must be determined in an expedited manner to allow the succession to proceed.
6. This Court invokes its inherent jurisdiction to order and direct that the Appellants shall forthwith and within the next sixty (60) days set the Appeal for admission and hearing.
7. I further direct that, the Respondents serve upon the Appellants, the Order of setting the Appeal for admission and hearing within the next three (3) days.

It is So Ordered.

Dated, Signed and Delivered at Nakuru

On this 12th day of January 2026

Mohochi S. M.
JUDGE