



REPUBLIC OF KENYA



KENYA LAW
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**Karimi & another v Ngari (Civil Appeal E122 of 2025)
[2026] KEHC 3064 (KLR) (12 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 3064 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
CIVIL APPEAL E122 OF 2025
EM MURIITHI, J
FEBRUARY 12, 2026**

BETWEEN

LYDIA KABURA KARIMI 1ST APPELLANT

JOSEPH K NGURE 2ND APPELLANT

AND

PETER MUTHIKE NGARI RESPONDENT

RULING

1. The Court has considered the application for stay of proceedings pending appeal dated 13/11/2025, the Replying Affidavit of the Respondent sworn on 24/11/2025 and the submissions of counsel for the applicant dated 16/1/2026.
2. The Court considers that there are serious questions to be presented to Appellate Court. Among those questions are whether the revocation of Grant which has been confirmed, for the reason that the Administrator has died before it has been executed and it is therefore useless, affects the schedule of distribution of the Estate confirmed in the Confirmed Grant.
3. An arguable appeal does not mean an Appeal that eventually succeed at the hearing. See Supreme Court guidance Petition No. 17 (e024) Of 2021, Kenya Electricity Transmission Co. Limited (ketraco) And Instalaciones Inabensa S.A that:

“ 13. To determine the question whether or not an appeal is arguable, the Court must not interrogate the merit of the appeal or make definitive findings of either fact or law at this stage as doing so may embarrass the Court when finally called upon to determine the appeal itself. An arguable appeal is, therefore not one which must necessarily succeed, but one which ought to be argued fully on its merits before the court.”



4. There must not be multiplicity of issues for appeal, and one arguable point is sufficient for purposes of consideration of an application of stay of proceedings appealed from.
5. The Respondents also raise the issue whether the Appellant was a beneficiary of the estate having not shown that she purchased any portion of land from the deceased or from the deceased Administrator in accordance with the law. The Appeal shall consider and determine such issue.
6. The Court, therefore, finds merit in application dated 12/11/2025 for stay of proceedings of the lower Court and it is granted in terms of prayer no. 2 thereof.

Orders

7. Accordingly, for the reasons set out above, the court grants the application dated 13/11/2025, and for expeditious disposal of the Appeal on the dispute, which is shown to have in court since 2001, the Court directs that the Record of Appeal shall be filed within sixty (60) days.
8. The costs of the application shall abide the outcome of the Appeal.
9. Directions as to hearing of the appeal shall be taken on 13/04/2026.

Order accordingly.

DATED AND DELIVERED THIS 12TH OF FEBRUARY 2026.

EDWARD M. MURIITHI

JUDGE

Appearances:

Mr. Wambugu Kariuki for the Appellant/ Applicant.

Mr. Peter Muthike Ngari, Respondent.

