

2. The Applicant filed an Affidavit he swore in Support of the motion. When served with the motion, the Respondents did not

deem it fit to file a response to the Application.

3. I have considered the grounds set out on the face of the motion plus the facts deponed in Supporting Affidavit. It is the averment of the Applicant that he filed an Affidavit of Protest against the summons for Confirmation of Grant. It is his further submission that the Trial Magistrate proceeded to dismiss the Protest on 10th June, 2025 and being dissatisfied, he preferred this Appeal to challenge the dismissal order. The Applicant is fearful that the Certificate of Confirmation of Grant made on 10th November, 2016 may be implemented unless an order for Stay of Execution is granted.

4. In the Appeal, the Appellant/Applicant is seeking to have the ruling dismissing the Protest set aside and for the Certificate of Confirmation of Grant revoked. It is the Appellant/s

submission that he would on Appeal argue inter alia that the Estate be equally distributed amongst the beneficiaries.

5. In the absence of any rebuttal from the Respondents, it would appear that unless the order for Stay of the implementation of the Certificate of Confirmation of Grant issued on 10th November, 2016, execution would take place before the instant Appeal is heard and determined.

6. In the end, I find the motion dated 6th August, 2025 to be meritorious. It is allowed.

7. Consequently, an order for Stay of Execution and or implementation of the Certificate of Confirmation of Grant dated 10/11/2016 is granted pending Appeal. This being a family dispute, a fair order on costs is that each party should bear its own costs.

**Delivered, signed and dated at Kericho this 19th day
of February, 2026**

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**J.K. SERGON
JUDGE**

In the presence of:-

C/Assistant - Ruto

Lang'at for the Appellant/Applicant

