

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**P & A APPEAL NO.E029 OF 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE JOHN GITAU  
KIKONYO “B”**

**ELIZABETH WANJIRU GIKONYO .....APPELLANT/APPLICANT**

**VERSUS**

**GRACE NDUTA GITAU ..... 1<sup>ST</sup> RESPONDENT**

**NANCY NJOKI GITAU ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The matter is scheduled for interparties hearing of the **Notice of Motion** application dated 5<sup>th</sup> November, 2025 in which the Applicant is seeking for orders that:-

***a) Spent.***

***b) Spent.***

***c) There be a stay of proceedings in Succession Cause No.38 of 2014, Limuru (In the matter of the Estate of John Gitau Gikonyo “B” [Deceased] herein, and of any consequential orders arising therefrom pending further orders of this***

*Honourable Court and pending the hearing and determination of this appeal.*

*d) That costs of this application be in the cause.*

2. The application is premised on the grounds set out on its face and substantiated in the affidavit sworn by **Elizabeth Wanjiru Gikonyo** on even date.
3. The application was served upon the Respondents counsel and although no response has been filed, **Mr. Ngige** counsel for the Respondent informed this Court that he had urged the trial Court to stay the proceedings before her to allow for the appeal to be pursued.
4. In the circumstances, this Court finds that the prayers in the **Notice of Motion** application dated 5<sup>th</sup> November, 2025 are found to be unopposed and proceeds to allow the same as follows:-

*a) The proceedings in Succession Cause No.38 of 2014, in Limuru (In the matter of The Estate of John Gitau Gikonyo “B” [Deceased] herein and any other consequential orders arising therefrom be and are hereby stayed pending further orders and the hearing and*

*determination of this appeal.*

*b) Costs be in the cause.*

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU**

**THIS 21<sup>ST</sup> DAY OF JANUARY, 2026.....**

**D. O. CHEPKWONY**

**JUDGE**

**In the presence of:**

**M/S Waithaka counsel for Appellant/Applicant**

**Mr. Ngige counsel for Respondent**

**Court Assistant – Martin/Sakina**