



**Kimetto v Chepkwony & another (Civil Application
e118 of 2025) [2026] KECA 537 (KLR) (16 March 2026) (Ruling)**

Neutral citation: [2026] KECA 537 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CIVIL APPLICATION E118 OF 2025**

**JM MATIVO, JA
MARCH 16, 2026**

BETWEEN

EUNICE CHELANGAT KIMETTO APPLICANT

AND

ISHMAEL CHEPKWONY 1ST RESPONDENT

ALICE CHEPKWONY 2ND RESPONDENT

*(Being an application for leave to appeal against and stay of execution
of the judgment and orders of the High Court of Kenya at Kericho (J.
Sergon, J.) dated 1st August 2024 in Succession Cause No.7 of 2018)*

RULING

1. This is an application dated 10th November 2025 which seeks leave to appeal and stay of execution. It is brought under Rules 41 (1)
 1.
 - (b) (iii) and 5 (2) (b) of the Court of Appeal Rules. Under Rule 55 (1) (2)
 2.
 - (a) of the Court of Appel Rules 2022, an application for leave to appeal where leave to appeal is required under the law is a matter to be heard by a full bench of this Court, not a single judge. Therefore, the application is wrongfully listed before me.
2. I direct that the application be listed before a full bench.

DATED AND DELIVERED AT NAKURU THIS 16TH DAY OF MARCH, 2026.

J. MATIVO



..... **JUDGE OF APPEAL**

I certify that this is a true copy of the original.

Signed.

DEPUTY REGISTRAR.

