

pending the hearing and determination of the applicant's intended Appeal.

(iii) THAT the necessary directions be given.

2. The Applicant filed an Affidavit he swore in support of the motion. It is the averment of the applicant that he desires to appeal to the Court of Appeal against decision of this Court delivered on 31st July, 2025 in which this court found the Respondent to have been married to the deceased and proceeded too to distribute the estate in equal shares between the houses.
3. The Applicant beseeched this Court to grant him leave to Appeal to the Court of appeal since there is no automatic right of Appeal.
4. It is not in dispute that leave is required if one is desirous of appealing to the Court of Appeal in Succession disputes. The Applicant has shown the intention to appeal by filing a Notice

of appeal immediately after the decision of this Court was delivered.

5. I find the Application dated 6/8/2025 to be meritorious. It is allowed as prayed.

Dated, signed and delivered at Kericho this 12th day of March, 2026.

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J. K. SERGON
JUDGE

In the Presence of:-

C/Assistant - Rutoh

Miss Kirui holding brief for Mboga for Appellant

No Appearance for the Respondent