

**IN THE COURT OF APPEAL
AT NAKURU**

(CORAM: MURUNGI B. KAIRARIA, J.A. (IN CHAMBERS))

CIVIL APPLICATION NO. E035 OF 2026

BETWEEN

JANE CHEPKOECH TARE.....APPLICANT

AND

GRACE RONO.....1ST

RESPONDENT MARY RONO.....

2ND RESPONDENT ZEDDY

LANGAT.....3RD RESPONDENT

[An application for extension of time from the judgement of the High Court of Kenya at Kericho (J. K. Sergon J.) delivered on 17th July 2025

in

Succession Cause No. E014 of 2023

RULING

1. By the Notice of Motion application dated 2nd March, 2026 the applicant seeks two principal prayers; namely leave to appeal to the Court of Appeal against the decision of Sergon J dismissing the Applicant's protest and ordering equal distribution of the estate of the deceased and secondly a stay of execution of the judgement and decree issued on 17th July, 2025 in High Court Succession Cause No. E014 OF 2023 in the Estate of Esther Chelangat Kigen her mother in law.
2. I note that the consideration of both prayers fall outside my jurisdiction sitting as a single judge of this Court under

rule

55[1] of the Court of Appeal Rules which expressly that a single judge shall hear each application other than an application specified in subrule 2. **Sub rule 2** of Rule expressly provides that **Rule 55[1]** shall not apply to:

- a) an application for leave to appeal;**
- b) an application for a stay of execution, injunction, or stay of further proceedings;**
- c) an application to strike out a notice of appeal or appeal or;**
- d) an application made ancillary to an application under paragraph a or b or made informally in court.**

3. As the application under consideration seek leave to appeal and stay of execution which are two of the categories of applications expressly excluded from being heard by a single judge I cannot properly hear and render a ruling thereon. To so would be in violation of the Rules.

4. Accordingly, this application is referred back to the registry for listing before a full bench of this Court for hearing and determination on a priority basis.

Dated and delivered at Nakuru this 8th day of May, 2026.

MURUNGI B. KAIRARIA

.....
JUDGE OF APPEAL

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

Signed.

DEPUTY REGISTRAR