



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAIROBI**

**ELC CIVIL CASE NO. 80 OF 2015**

**GUY SPENCER ELMS (Suing as the personal**

**representative of the state of Roger Bryan Robson (Deceased).....PLAINTIFF**

**=VERSUS=**

**AGNES KARIUKI KAGURE.....DEFENDANT**

**DIRECTIONS**

1. There is a notice of motion date 10<sup>th</sup> May 2015 filed by the plaintiff seeking stay of these proceedings pending the hearing and final determination of the High Court. Succession Cause No 955 of 2013. (In the matter of the Estate of Roger Bryan Robson (Deceased)).
2. Mr. Maloba for the defendant objects to the application for adjournment on the grounds that the plaintiff continues to enjoy interim orders. Further that the subject matter in these proceedings was excluded in the confirmation of grant in High Court Succession No. 955 of 2013.
3. I have considered the rival submissions of counsel. I have also perused the grounds of the notice of motion dated 10<sup>th</sup> May 2019. It is not in dispute that the subject matter in this suit being LR Nos 2327/10 and 2327/117 are substantially a question of dispute in this suit and the pending High Court Succession Cause No. 955 of 2013 between the Estate of Roger Bryan Robson (Deceased) and the defendant herein. I hereby direct that the notice of motion dated 10<sup>th</sup> May 2015 be heard first. The defendant is directed to file a response so that the same can be heard and determined expeditiously.

It is so ordered.

**Dated, signed and delivered in Nairobi on this 18<sup>th</sup> day of September 2019.**

.....

**L. KOMINGOI**

**JUDGE**

**In the presence of:-**

.....Advocate for the Plaintiff

.....Advocate for the Defendant

.....Court Assistant