



REPUBLIC OF KENYA



**In re Estate of Leon Kipruto Atuga - Deceased (Probate & Administration
21 of 2024) [2025] KEHC 9664 (KLR) (26 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9664 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
PROBATE & ADMINISTRATION 21 OF 2024**

E OMINDE, J

JUNE 26, 2025

IN THE MATTER OF THE ESTATE OF LEON KIPRUTO ATUGA- DECEASED

BETWEEN

JANE JELAGAT ATUGAH 1ST PETITIONER

MARTHA JEBET ODHIAMBO 2ND PETITIONER

AND

MARGARET NYAMBURA MUREITHI OBJECTOR

RULING

1. Counsel for the Petitioners has made an oral application to this Court seeking that dismiss the Objector's objection since they are not present in Court today on a hearing date of their objection. That today's hearing date was taken by consent pursuant to adjournment sought by the Objector. That the matter has been adjourned previous occasion at the Objectors instance. That in the view of Objector conduct and their absence today, it is obviously they are not keen to prosecute their case.
2. The Counsel for the Objector in support of adjournment of today's hearing states that the objectors were informed of today's hearing date but their Counsel is unable to reach them. She prays to this Court to grant them last adjournment today and that if the witnesses will not be available at the next hearing, the Court can then proceed to and dismiss the Objector's objection. She further adds that for justice to prevail it is crucial that the Objector be heard.
3. I have considered the submissions of both Counsels, I agree with Counsel for the Petitioners that by their previous conduct as the proceedings gone by shall attest and by their conduct today as can be surmised from the submissions made by the Counsel on their behalf it is clear that the Objectors filed these objections without the intention of pursuing the same and it is therefore safe to conclude that they simply intended to frustrate and if possible, delay or stall the entire process. They were duly informed of today's date which again was given by the Court indulging their Counsel for reasons that



just like today, they were not in Court because their Counsel was not able to reach them. They have again elected not to appear to prosecute their case.

4. For this reason, the Court does not see any reason as to why it should indulge them further. The application for adjournment is therefore declined, the Objection by the Objector's dated 19/7/2024 is now hereby dismissed and the matter is to be heard on the summons for confirmation of grant which is to be filed by the Petitioners within the next 30 days and a date for hearing of the same taken before the Deputy Registrar once the same is served.

READ, DATED AND SIGNED AT ELDORET ON 26TH JUNE 2025.

E. OMINDE

JUDGE

