



**In re Estate of Musa Magodo Kenya (Deceased) (Succession Cause 1251A of 2019)
[2025] KEHC 12500 (KLR) (Family) (3 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12500 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1251A OF 2019
SN RIECHI, J
SEPTEMBER 3, 2025
IN THE MATTER OF THE ESTATE OF MUSA MAGODO KENYA (DECEASED)**

BETWEEN

ALICE INGAIZA MAGOGO ADMINISTRATOR

AND

KIMETO & ASSOCIATES ADVOCATES DECREE HOLDER

AND

GARAM INVESTMENTS ACUTIONEERS AUCTIONEER

RULING

1. Mr. Kiprop Chepserson for Agnes Igaiza Magodo has filed tow applications. The 1st application is dated 5th June, 2025 seeking the following orders:
 1. That this Application be certified urgent, its service dispensed with, and be heard on a priority basis in the first instance.
 2. That pending the hearing and determination of this Application, the Honourable Court be pleased to stay the execution of the orders issued by Honourable Justice S.N. Riechi on 15th May 2025, the subsequent decree issued on 19th May 2025, and all other consequential orders.
 3. That pending the hearing and determination of this Application, the Honourable Court be pleased to issue an order of injunction restraining the Respondents, their agents, servants, or any person claiming through or under them from enforcing the execution of the orders issued by Honourable Justice S. N. Riechi on 15th May 2025. The subsequent decree issued on 19th May 2025, and all other consequential orders



4. That this Honourable Court be pleased to set aside and/or lift the Proclamation Notice dated 31st May 2025 issued by the 2nd Respondent, Garam Investments Auctioneers, in execution of the said decree issued on 19th May 2025.
 5. That this Honourable Court be pleased to issue an order restraining the Respondents, their agents, Servants, or anyone acting on their instructions from attaching, Advertising for sale, or disposing of the Applicant's personal and/or matrimonial property, whether by public auction or otherwise. In satisfaction of the decree issued against the estate of the late Musa Magodo.
 6. That an order be and is hereby issued that the execution of the decree issued on 19th May 2025 should await the confirmation of grant upon ascertaining the net intestate estate of the deceased.
 7. That the costs of this application be provided for.
2. M/s Kimeto for the Kimeto & Associates the Respondent file grounds of opposition dated 11th June, 2025 stating that the application is a violation and blatant disobedience of the judgment and the court order and that order of stay should not issue. She further states that the applicant having admitted that the estate of the deceased has substantial assets to satisfy the deceased, the applicant cannot fail to pay the same and seek stay of execution.
 3. These two applications though filed in different dates seeks similar orders via.
 - i. Stay of execution of the decree.
 - ii. Injunction against debt recovery proceedings by the process of auction.
 4. This court has considered the two applications. This court also notes that there is garnishee application dated 30th May, 2025 by Kimeto and Associates. This court has delivered a ruling in the garnishee application. That ruling has pronounced and provided a clear process of recovery of the decretal sum due to Kimeto & Associates Advocates to satisfy the decree of this court.
 5. In view of this court's decision in application dated 30th May, 2025, I find that the application by Alice Ingaiza Magodo dated 5th June, 2025 and another dated 11th June, 2025 have been overtaken by events in view of this court's decision on the application dated 30th May, 2025. This application is hereby dismissed.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 3RD DAY OF SEPTEMBER, 2025.

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S N RIECHI
JUDGE

