



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 2501 OF 2003**

**IN THE MATTER OF THE ESTATE OF ANDREW MUNGAI MUTHEMBA (DECEASED)**

**RULING**

1. The summons dated 22<sup>nd</sup> February 2018 seeks extension of leave to appeal and of stay of execution of the judgement on record. The application is opposed vide the affidavit reply sworn on 25<sup>th</sup> April 2018.
2. Both sides have filed written submissions on the application, which I have read through and noted the arguments made. I am satisfied that a case has been made out for the extension sought.
3. I shall accordingly allow the application in terms of prayers 3 and 4 thereof. Leave to appeal and stay of execution of the judgment is extended by forty-five (45) days from date hereof. Costs shall abide the outcome of the proposed appeal.

**DATED and SIGNED at KAKAMEGA this 19<sup>TH</sup> DAY OF OCTOBER, 2018.**

**W. MUSYOKA**

**JUDGE**

**DELIVERED, DATED and SIGNED at NAIROBI this 25<sup>TH</sup> DAY OF OCTOBER, 2018.**

**M. MUIGAI**

**JUDGE**



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