



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAIROBI**

**SUCCESSION CAUSE NO. 1530 OF 2012**

**IN THE MATTER OF THE ESTATE OF MUNGAI MACHARIA KAHORO (DECEASED)**

**BETH MUTHONI NGANGA .....APPLICANT**

**VERSUS**

**SAMUEL FUNDI MUNGAI ....RESPONDENT**

**RULING**

1. The application subject of this ruling is dated 16<sup>th</sup> October, 2019 and seeks to have the orders issued on the 18<sup>th</sup> of September, 2019 dismissing the objector's case for failure to attend be reviewed.
2. The application remains unopposed. The court is informed that the objector's counsel unknown to his client was sick and had been given a sick off by his doctor which informs his absence in court.
3. It behoves all counsel and indeed their clients to make arrangements to inform court where one has sufficient reason to be absent in order for the court and the opposite side to have information. Failure to do so creates an inconvenience both to the court and the opposite side needless to say that failure to do so results in application such as the one before court which could have been avoided. In this instance counsel did not even inform his client.
4. However, in the interest of justice there being no opposition to the application the same is granted subject to the objection being set down for hearing within the next 30 days of the date hereof.

**Dated and Delivered in Nairobi on this 5<sup>TH</sup> day of MARCH, 2020.**

**ALI-ARONI**

**JUDGE**