

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

CIVIL SUIT NO.161 OF 2003

FM (DECEASED)

EM).....APPLICANTS

KA (Minor suing through his next friend)

-VERSUS-

MARIE STOPES KENYA.....RESPONDENT

RULING

1. The matter has come up for hearing of the application dated **25th February, 2021** in which the Applicants/Plaintiffs are seeking for:-

*1) The order of Honourable Lady Justice D. Chepkwony, made on the 17th December, 2018 be revised to enable the said Plaintiff, EM immediately access the interest amount in the fixed deposit account plus interest accrued from Account No. [*****] at KCB Bank Kenya Ltd on behalf of KAF.*

2) The order of the court to be served upon KCB Bank, Kenya Limited for compliance.

3) Costs of the application be provided for.

2. The same is supported on the grounds on the face of it, the **Supporting Affidavit** sworn by **ELINAH KARISA** together with the annexures attached thereto.

3. According to Counsel for the Applicant, the bank was served with the said application. It will be noted that there is no response to the said application nor appearance by the bank's representative and or Defendant.

4. I have perused the **affidavit of service** filed on **19th April, 2021** and confirm that indeed the bank was served with the hearing notice for today.

5. In the circumstances, the application notice dated **25th February, 2021** is unchallenged and the same is allowed in the terms presented.

It is hereby so ordered.

DELIVERED, DATED AND SIGNED VIRTUALLY AT MOMBASA THIS 20TH DAY OF APRIL, 2021.

D. O. CHEPKWONY

JUDGE

20/4/2021