



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

FAMILY DIVISION

SUCCESSION CAUSE NO. 759 OF 1994

IN THE MATTER OF THE ESTATE OF OSORE DARAJA SULEIMAN DECEASED

BETWEEN

MWANAISHA MOKOYA.....OBJECTOR (DECEASED)

AND

SHABAN MUSUMBA HAJI.....APPLICANT

VERSUS

KASSIM O. DARAJA.....RESPONDENTS/PETITIONERS

AND

JULIUS LIKAMASIA.....INTERESTED PARTY

R U L I N G N O. 1 O N R E V I E W

1. On 28.7.2017, I delivered a ruling pursuant to the application dated 12.10.2016 brought by Shaban Musumba Haji the applicant. The orders sought in the said application are set out in the above stated ruling. The application was dismissed on grounds that the applicant's application was both premature and frivolous in that he had not moved the Court for confirmation of the grant issued to him on 27.02.2013.

2. Immediately upon delivery of the ruling, Mr. I Ondieki, counsel for the applicant informed the court that the grant had been confirmed on 28.7.2016 and that there was therefore an error apparent on the face of the record requiring a review of my ruling dated 28.7.2017. The court was of the view that if there was such an error on the face of the record, then it would review its ruling of 28.07.2017.

3. The Court has now combed the record from cover to cover, and apart from the fresh grant (form P&A 41) issued to the applicant on 27.2.2013, there is no certificate of confirmation dated 28.07.2016 or at all. In the circumstances, I find no error on the face of this court's ruling dated 28.7.2017 to warrant a review of the same. However, if the applicant can formally place such document before the court by filing a formal application for review, the court will still be able to consider it.

It is so ordered

Ruling delivered, dated and signed in open court at Kakamega this 19th day of September 2017

RUTH N. SITATI

JUDGE

In the presence of;-

.....Mr. Ondieki (Present).....for applicant

.....M/S Kiveu (absent).....for petitioner

.....for interested party

.....court assistant