

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 37 OF 2006

In the matter of the Estate of NAHASHON NGIGI GICHOMO (Deceased)

ZIPPORAH WAIRIMU WAMBUGU.....APPLICANT

R U L I N G

1. This is a ruling on summons general dated 29/07/2017 seeking for review of the ruling delivered on 1/02/2017 by Bwonwonga, J. and seeking to allow the application dated 6/06/2016.
2. The application is grounded on the affidavit of Zipporah Wairimu Wambugu who deposes that her application was struck out because she had not attached a copy of official search to the suit property and the letter from the assistant chief to indicate the beneficiaries of the deceased.
3. I have perused the ruling delivered on 01/02/2017 by Bwonwonga, J. The application dated 6/06/2016 was struck out for the reasons given by the applicant in her affidavit. The judge observed as follows:-

In the light of the affidavit evidence and the annexures, I am unable to determine the issue in this dispute the reason being that the certificate of the official search in the suit land were not annexed to determine as to who was registered owner of that land.....

In the light of the foregoing I hereby strike out the application with no orders as to costs.

4. The learned judge was justified to strike out the application for the reasons he gave in his ruling. It would not make sense for this court to review that ruling which was well grounded.
5. The applicant is at liberty to file a new application for determination by the court to which she ought to annex all the relevant annexures to enable the court to determine the relevant issues. The applicant shall serve the respondents if any with the application.
6. I find this application misconceived and it is hereby dismissed with no orders as to costs.

DELIVERED, DATED AND SIGNED AT EMBU THIS 14TH DAY OF DECEMBER, 2017.

F. MUCHEMI

J U D G E

In the presence of the Applicant