



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**SUCCESSION CAUSE NO. 195 OF 2013**  
**IN THE MATTER OF THE ESTATE OF PETER NJENGA NGANGA (DECEASED)**  
**CATHERINE WANGUI &**  
**FLORA WANJIRU.....PETITIONERS**  
**VERSUS**  
**DAVID NDUNGU KIMAMA.....RESPONDENT**

**RULING**

The application the subject of this ruling is the one dated 20th January, 2016.

The same seek a review/variation of the court's order of 17th July, 2015.

It is the applicant's case that vide its ruling of 17th July, 2015, the court ordered that the money in the Respondent's account be transferred to the deceased's account at Equity Bank.

The account number appearing in the ruling dated 17th July, 2015 and the order issued on 18th September, 2015 was erroneously stated as *[particulars withheld]* instead of *[particulars withheld]*.

It is urged that it is necessary to vary the order to reflect the correct account number.

Catherine Wangui (hereinafter 1st applicant) and with authority of Flora Wanjiku has sworn a supporting affidavit indicating that upon presentation of the aforesaid order to Equity bank, it was discovered that the account number had been misdescribed as *[particulars withheld]* instead of the correct account number being *[particulars withheld]*.

During the hearing, counsel for the applicants in a brief submission reiterated the above facts.

I have considered the application, the grounds in support as well as the affidavit on record. I have factored in counsel's brief submission.

The ruling of court dated 17th July, 2015 orders the transfer of monies from the respondent's account No. *[particulars withheld]* to the applicants' account No. *[particulars withheld]*. That is obviously an error as the account referred to in the application giving rise to the orders aforesaid is account No. *[particulars withheld]* being an account held by the Respondent from which monies were to be transferred.

The review sought is thus necessary to give effect to the court orders so as to meet the desired objective.

I consequently allow the summons dated 20th January, 2016. This court's ruling of 17th July, 2015 is reviewed to reflect the correct account number being Respondent's account No. *[particulars withheld]*.

Costs shall be in the cause.

**Dated, Signed and Delivered at Nakuru this 26th day of July, 2016.**

**A. K. NDUNG'U**

**JUDGE**