

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 2964 of 1982

MUMBI KYALO

2. KAVILA KYALOPLAINTIFFS

V E R S U S

1. THE HON. ATTORNEY GENERAL

2. CORPORAL LATILI MAINGI DAVIDDEFENDANTS

1. MARTIN KYALO

2. AGNES KYALOINTERESTED PARTIES

R U L I N G

On 18th January, 1991 the court herein approved a settlement and made a further order for the investment of the respective shares of the settlement funds of some four beneficiaries who were then minors. These four minors were:-

WAMBUA KYALO - then aged 16 years

MUTHAMI KYALO - then aged 15 years

MALITE KYALO - then aged 13 years

AGNES KYALO - then aged 12 years

The four minors have since attained majority. On 6th July, 1999 the court ordered, following application by chamber summons dated 14th June 1999, that the respective shares of the settlement of WAMBUA KYALO and MUTHAMI KYALO be released to them.

MALITE KYALO and AGNES KYALO have now similarly applied. Malite Kyalo is now called MARTIN KYALO. He appears to have assumed the new name at the time he obtained his natural identity card. He has sworn a supplementary affidavit explaining all this. I am satisfied that the MARTIN KYALO now before the court is the MALITE KYALO who was one of the four minors the beneficiaries of the settlement herein.

I will in the circumstances grant prayer (b) of the application. MARTIN KYALO and AGNES KYALO are hereby permitted to withdraw the balance of the monies in the accounts opened for their benefit with Trade Bank Limited (in liquidation) and now being held at the Central Bank of Kenya. I decline to grant prayer (a). It is not necessary for the two to be joined as parties in this suit which was settled a long time ago. There will be no order as to costs of the application.

Those will be the orders of the court.

DATED AT NAIROBI THIS 27TH DAY OF MAY, 2009

H. P. G. WAWERU

J U D G E

DELIVERED THIS 29TH DAY OF MAY, 2009