

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU
Succession Cause 82 of 2001

IN THE MATTER OF THE ESTATE OF MURAGE NGARI...DSD

AND

NELSON GITHINJI MANDA.....RESPONDENT

VERSUS

JAMES KINYUA MANDA.....1ST APPLICANT

NAHASHON GITHINJI MANDA.....2ND APPLICANT

RULING

Application dated 16/10/2007 prayer 2 thereof seeks orders to review and set aside orders/Judgment made on 7/12/2006 and subsequent amended Judgment not dated.

It is grounded on the existence of sufficient and reasonable grounds. That means no error or mistake apparent on the face of the record.

According to supporting affidavit the applicant is a beneficiary of his father's estate Mutira/Kegunyu/20. That the court disinherited the applicant out of his father's estate. The court amended the Judgment but the amendments were nor dated nor signed. The applicant does not show in which way he is disinherited. He has only alleged the amendment was made at the request of Ms Morris Njagi & Co. Advocates. Upon perusing the record it is shown that the other portions were not heard.

I therefore allow this application and in compliance with order 44 rule 6.1 order a rehearsing of this issue on 19/6/2008 with all parties present.

Dated this 30th May, 2008.

J. N. KHAMINWA

JUDGE

30.5.2008

Khaminwa – Judge

Njue- Clerk

Ruling read in presence of Mr. Mugambi HB for Magee in open court.

J. N. KHAMINWA

JUDGE