



REPUBLIC OF KENYA



**KENYA LAW**  
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**Athman & another v Director of Registration of Death & another; Mashashi Kitano (Applicant)  
(Miscellaneous Application E001 of 2025) [2025] KEHC 6823 (KLR) (16 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6823 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
MISCELLANEOUS APPLICATION E001 OF 2025**

**G MUTAI, J**

**MAY 16, 2025**

**BETWEEN**

**AMINA OBO ATHMAN ..... 1<sup>ST</sup> PETITIONER**

**MOHAMED BWANA OBO ATHMAN ..... 2<sup>ND</sup> PETITIONER**

**AND**

**DIRECTOR OF REGISTRATION OF DEATH ..... 1<sup>ST</sup> RESPONDENT**

**THE HON ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**MASHASHI KITANO ..... APPLICANT**

**RULING**

1. The notice of motion application before me is dated 8<sup>th</sup> January 2025. Vide the said application, the applicant seeks leave to reconstruct the court file in Miscellaneous Application No. 10 of 2010 (OS); In the Matter of Mashashi Kitano (Presumed Deceased), for the reconstructed file to be kept in safe custody in the Court Registry and for a hearing date to issue.
2. The applicant averred that he searched for the Court file in respect of Miscellaneous Application No. 10 of 2010 (OS) but that it could not be traced. The applicant's counsel, in an affidavit sworn on 8<sup>th</sup> January 2025, alleged that there was fraud. He prayed that the application be allowed as prayed.
3. Despite being served with the said application, counsel for the petitioners and the respondents did not appear or file any documents in response. The application is therefore unopposed.
4. In the interest of justice, and as the same is unopposed, I allow the application dated 8<sup>th</sup> January 2025 as prayed.
5. I make no orders as to costs.



6. It is so ordered.

**DATED AND SIGNED IN MOMBASA THIS 16<sup>TH</sup> DAY OF MAY 2025. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.**

**GREGORY MUTAI**

**JUDGE**

In the presence of:-

Mr Maina, for the Applicant;

Mr Omwancha, for the Petitioners;

No appearance for the Respondents; and

Arthur – Court Assistant.

