



Cherangani Hills Limited & another v Rashid & another (Suing as the Personal Representatives of the Estate of Njinrius Mwangi Ng'ang'a - Deceased) (Civil Appeal E003 of 2022) [2024] KEHC 1347 (KLR) (17 January 2024) (Ruling)

Neutral citation: [2024] KEHC 1347 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CIVIL APPEAL E003 OF 2022
AC MRIMA, J
JANUARY 17, 2024**

BETWEEN

CHERANGANI HILLS LIMITED 1ST APPELLANT

JOHN KIMTAI KIBOI 2ND APPELLANT

AND

MIRIAM CHETECH RASHID 1ST RESPONDENT

PATRICK GITHONGOCHI NG'ANG'A 2ND RESPONDENT

**SUING AS THE PERSONAL REPRESENTATIVES OF THE ESTATE OF
NJINRIUS MWANGI NG'ANG'A - DECEASED**

RULING

1. This ruling relates to a Notice of Motion dated 10th July, 2023. The application was taken out by the Respondents. It sought to review the judgment of this Court rendered on 31st May, 2023.
2. The reason for the application was that this Court did not address the issue of funeral expenses which had been granted by the trial Court and was subject of the appeal.
3. Parties filed submissions on the application.
4. The Respondents did not oppose the application. They, however, prayed that the funeral expenses be subjected to the 50% liability as found on appeal.
5. The application is duly considered. Since the funeral expenses were allowed by the trial Court and were subject of the appeal, it goes without say that such be allowed subject to 50% contribution.
6. Therefore, the application is hereby merited in the following terms: -



- a. Order 2 of the judgment in this appeal delivered on 31st May, 2023 shall include the award of Kshs. 50,000/= which amount shall be subject to 50% contribution.
- b. Each party shall bear its own costs.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 17TH DAY OF JANUARY, 2024.

A. C. MRIMA

JUDGE

Ruling No. 1 delivered virtually and in the presence of:

Miss. Masinde, Learned Counsel for the Applicants/Original Appellants.

Mr. Onyinkwa, Learned Counsel for the Respondents/Original Appellants.

Juma/Hellen – Court Assistants.

