



**Atieno alias Odanga Phoebe & another v Onyango & another (Suing as the administrator of the Estate of Rose Akinyi - Deceased) (Civil Appeal 21 of 2017) [2023] KEHC 25043 (KLR) (18 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 25043 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CIVIL APPEAL 21 OF 2017  
TA ODERA, J  
OCTOBER 18, 2023**

**BETWEEN**

**PHOEBE ATIENO ALIAS ODANGA PHOEBE ..... 1<sup>ST</sup> APPELLANT**

**LEEMAN ONYANGO ODUO ..... 2<sup>ND</sup> APPELLANT**

**AND**

**FELIX ONYANGO ..... 1<sup>ST</sup> RESPONDENT**

**PAUL JUMA ONYANGO ..... 2<sup>ND</sup> RESPONDENT**

**SUING AS THE ADMINISTRATOR OF THE ESTATE OF ROSE AKINYI -  
DECEASED**

**RULING**

1. This matter came up before me for hearing of the Appeal on 19.6.23. Miss Obura was present for the appellant while Miss Kabalika was for the respondent. They informed this court that they had filed submissions and this court ordered that they attended court on 17.7.23 for highlighting of the same. The parties attended court 17.7.23 and indeed highlighted the submissions and judgment date was set for 18.10.23 which is today.
2. I retired to write the judgment on the appeal but upon a careful perusal of the record herein, I realized that the Appeal herein was determined by Lady Justice Racheal Ngetich vide judgment dated 20.12.22 and the appeal was dismissed. This matter is therefore Res judicata. The proceedings of 24.4.23, 19.6.23 and 17.7.23 are thus resjudicata. I proceed to expunge the said subsequent proceedings.

**TA ODERA**

**JUDGE**

**18.10.23**



Delivered in the presence of: -

Miss Obura for appellant

Miss Kabalika for the or respondent

