

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

SUCCESSION CAUSE NO. 336 OF 2008

IN THE MATTER OF THE ESTATE OF JOHNSTONE

HANDA MUTSEMBI alias JOHNSTONE HANDA (DECEASED)

RULING

1. The application for determination is the summons dated 27th July 2020. It is purportedly founded on an affidavit of one Adda Ndakala Handa, yet the said Adda Ndakala Handa has not signed the affidavit, and the same is not commissioned. Consequently, the application is not supported by any evidence, as the purported affidavit is not an affidavit at all.
2. A review application turns on whether there is an error apparent on the face of the record, or discovery of new important evidence, or other sufficient reason. Evidence is critical to demonstrate the error apparent on the face of the record, or the new material discovered, or the other sufficient reason that warrants the review sought. Without evidence, a review application cannot stand.
3. There is no valid application before me, to be determined. Consequently, I hereby strike out the purported summons dated 27th July 2020.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 17th DAY OF SEPTEMBER, 2021

W MUSYOKA

JUDGE