

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1167 OF 2011

IN THE MATTER OF THE ESTATE OF KANG'ATU MWENETHI (DECEASED)

RULING

1. The application for determination is a Summons dated 27th August 2015. It is brought at the instance of Kinyanjui Kang'atu alias Gathiaka Kang'atu. It seeks that review of orders made on 23rd January 2015 dismissing an application for revocation of grant dated 15th June 2011.
2. The grounds for the said dismissal were that the applicant had not specifically identified the grant sought to be revoked in terms of when the same was made and by which court. There was no specific indication of the grant sought to be revoked, save that the prayers in the application were merely for revocation of a grant. The affidavit was equally vague.
3. I have carefully gone through the application, together with the affidavit in support. I have also gone through the written submissions filed by both parties. There is nothing from the papers filed herein that would warrant review of the orders sought. The application dated 15th June 2011 was hopelessly incompetent and nothing could salvage it, apart from its amendment prior to its argument. However, the applicant did not avail himself of the opportunity and did not have it amended before it was presented for determination but proceeded to have it disposed of in its hopeless state.
4. It has not been demonstrated that there was an error on the face of the record, nor discovery of new and important matter of evidence that could not be placed before the court made its decision on 23rd January 2015. It has not shown that there exist other sufficient reasons for review of the orders of 23rd January 2015.
5. Consequently, there is nothing to review and I do hereby dismiss the application dated 27th August 2015. The respondents shall have costs of the application.
6. The only asset of the estate is Loc. 1/Kiunyu/163, located within Murang'a County. The matter shall be transferred to the High Court of Kenya at Murang'a for disposal.

DATED, SIGNED and DELIVERED at NAIROBI this 20TH DAY OF JANUARY, 2017.

W. MUSYOKA

JUDGE