



Lennah Wanjiku Koinange v Margaret Njeri Mbiyu, Eddah Wanjiru Mbiyu, George Kihara Mbiyu, Paul Mbatia Koinange, Stella Kibara, Steven Mungai Kibara, Estate of Elizabeth Waruingi Koinange, Barbara Wambui Koinange, Joyce Njeri w/o Isaac Njunu Mbiyu, David Waiganjo Koinange, Susan Kamau Kihara w/o Solomon Kihara Koinange, David Njunu Mbiyu Koinange, Impulse Developers Limited, Tangulizi Ventures Limited & Sylvia Maryanne Wambui Mbiyu (Civil Application 9 of 2018) [2018] KESC 30 (KLR) (28 September 2018) (Ruling)

Lennah Wanjiku Koinange v Margaret Njeri Mbiyu & 14 others [2018] eKLR

Neutral citation: [2018] KESC 30 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
CIVIL APPLICATION 9 OF 2018**

**DK MARAGA, CJ & P, PM MWILU, DCJ & VP,
MK IBRAHIM, SC WANJALA & I LENAOLA, SCJJ**

SEPTEMBER 28, 2018

BETWEEN

LENAH WANJIKU KOINANGE APPLICANT

AND

MARGARET NJERI MBIYU 1ST RESPONDENT
EDDAH WANJIRU MBIYU 2ND RESPONDENT
GEORGE KIHARA MBIYU 3RD RESPONDENT
PAUL MBATIA KOINANGE 4TH RESPONDENT
STELLA KIBARA 5TH RESPONDENT
STEVEN MUNGAI KIBARA 6TH RESPONDENT
ESTATE OF ELIZABETH WARUINGI KOINANGE 7TH RESPONDENT
BARBARA WAMBUI KOINANGE 8TH RESPONDENT
JOYCE NJERI W/O ISAAC NJUNU MBIYU 9TH RESPONDENT
DAVID WAIGANJO KOINANGE 10TH RESPONDENT
KIHARA KOINANGE 11TH RESPONDENT
DAVID NJUNU MBIYU KOINANGE 12TH RESPONDENT
IMPULSE DEVELOPERS LIMITED 13TH RESPONDENT



TANGULIZI VENTURES LIMITED 14TH RESPONDENT
SYLVIA MARYANNE WAMBUI MBIYU 15TH RESPONDENT

RULING

1. The Originating Motion dated 9th May 2018 is premised on Articles 163(4) (b) and 163(a) of the *Constitution*, Section 15(1) of the *Supreme Court Act* and Rule 23 of the *Supreme Court Rules*. It seeks a review of the decision of the Court of Appeal given on 27th April 2018 dismissing the Applicant’s application that the dispute between the parties herein should be certified as one of general public importance warranting a further appeal to this court. We have addressed that issue in Civil Application No. 10 of 2018. Since the parties are the same in both applications, the orders sought are similar and the dispute is the same, we deem it fit not to render ourselves separately in the two Applications.
2. For reasons given in Application No. 10 of 2018 therefore, this Application is hereby dismissed and each party shall bear its own costs.

DATED AND DELIVERED AT NAIROBI THIS 28TH DAY OF SEPTEMBER, 2018.

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D.K. MARAGA

CHIEF JUSTICE/PRESIDENT OF THE SUPREME COURT

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P.M. MWILU

DEPUTY CHIEF JUSTICE/VICE PRESIDENT OF THE SUPREME COURT

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M.K. IBRAHIM

JUSTICE OF THE SUPREME COURT

.....

S. WANJALA

JUSTICE OF THE SUPREME COURT

.....

I. LENAOLA

JUSTICE OF THE SUPREME COURT

I certify that this is a true copy of the original

Registrar

SUPREME COURT OF KENYA

