

**REPUBLIC OF KENYA**  
**IN THE SUPREME COURT OF KENYA**  
**AT NAIROBI**

*(Coram: Maraga, CJ & P; Mwilu, DCJ & VP; Ibrahim; Wanjala; & Lenaola, SCJJ)*

**CIVIL APPLICATION NO. 9 OF 2018**

**-BETWEEN-**

**LENNAH WANJIKU KOINANGE.....APPLICANT**

**-AND-**

**MARGARET NJERI MBIYU.....1<sup>ST</sup> RESPONDENT**

**EDDAH WANJIRU MBIYU.....2<sup>ND</sup> RESPONDENT**

**GEORGE KIHARA MBIYU.....3<sup>RD</sup> RESPONDENT**

**PAUL MBATIA KOINANGE.....4<sup>TH</sup> RESPONDENT**

**STELLA KIBARA.....5<sup>TH</sup> RESPONDENT**

**STEVEN MUNGAI KIBARA.....6<sup>TH</sup> RESPONDENT**

**ESTATE OF ELIZABETH WARUINGI KOINANGE...7<sup>TH</sup> RESPONDENT**

**BARBARA WAMBUI KOINANGE.....8<sup>TH</sup> RESPONDENT**

**JOYCE NJERI w/o ISAAC NJUNU MBIYU.....9<sup>TH</sup> RESPONDENT**

**DAVID WAIGANJO KOINANGE.....10<sup>TH</sup> RESPONDENT**

**SUSAN KAMAU KIHARA**

**w/o SOLOMON KIHARA KOINANGE.....11<sup>TH</sup> RESPONDENT**

**DAVID NJUNU MBIYU KOINANGE.....12<sup>TH</sup> RESPONDENT**

**IMPULSE DEVELOPERS LIMITED.....13<sup>TH</sup> RESPONDENT**

**TANGULIZI VENTURES LIMITED.....14<sup>TH</sup> RESPONDENT**

**SYLVIA MARYANNE WAMBUI MBIYU.....15<sup>TH</sup> RESPONDENT**

*(Being an application for review of the decision of the Court of Appeal (Makhandia, Ouko & Odek, JJA) given at Nairobi on 27<sup>th</sup> April, 2018 dismissing the applicant's application for certification that the matter herein is one of general public importance warranting a further appeal to the Supreme Court).*

**RULING**

[1] The Originating Motion dated 9<sup>th</sup> 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 27<sup>th</sup> 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 28<sup>th</sup> day of September, 2018**

.....  
**D. K. MARAGA**  
**CHIEF JUSTICE/PRESIDENT**  
**OF THE SUPREME COURT**

.....  
**P. M. MWILU**  
**DEPUTY CHIEF JUSTICE/VICE**  
**PRESIDENT OF THE SUPREME**  
**COURT**

.....  
**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**