

REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI
(Coram: Maraga, CJ & President; Mwilu, DCJ & VP; Ibrahim; Wanjala; & Lenaola, SCJJ)

CIVIL APPLICATION NO. 9 OF 2018

BETWEEN

LENNAH 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

SUSAN KAMAU KIHARA

w/o SOLOMON 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

(Being an application for review of the decision of the Court of Appeal (Makhandia, Ouko & Odek, JJA) given at Nairobi on 27th 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 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

.....
P.M. MWILU
DEPUTY CHIEF JUSTICE/VICE

OF THE SUPREME COURT

**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