

REPUBLIC OF KENYA

IN THE HIGH COURT AT EMBU

MISC. SUCCESSION CAUSE NO. 82 OF 2008

IN THE MATTER OF THE ESTATE OF REAH WANJUE MURATHI(DECEASED)

KIARAGO RIMUNYA.....PETITIONER/RESPONDENT

VERSUS

WILSON NJERU NJAGI.....APPLICANT

R U L I N G

1. This ruling pertains to a citation against a son of the deceased dated 16/4/2018 in regard to matters of substituting the petitioner in this cause, now deceased.
2. On the 19/9/2017 this matter came up for the hearing of the application dated 20/7/2017 for revocation of grant. At the time, it was brought to the attention of the court that the Petitioner who was represented by Mr. Andande had passed away and that plans were underway to file an application for substitution.
3. Subsequently, on the 22/5/2018, Ms. Ndorongo for the applicant herein informed the court that since Mr. Andande had taken too long to substitute his client she had been taken out a citation in the magistrate's court which was pending hearing. The matter never proceeded for hearing and on the 3/12/2018 the parties with the exclusion of Mr. Andande consented to dispose of the citation by way of written submissions.
4. I have perused the record and I do not find the said citation. It is my view that there is confusion in the forum to dispose of the citation.
5. It was therefore not possible to write the ruling that was to be delivered today the 25/07/2019.
6. Parties are hereby advised to put their documentation in order and move the court if need be.
7. Mr. Andande who has taken over two (2) years to substitute his client is given thirty (30) days to do so.

DELIVERED, DATED AND SIGNED AT EMBU THIS 25TH DAY OF JULY, 2019.

F. MUCHEMI

JUDGE

In the presence of: -

Ms. Kungu for Ndorongo for Applicant

2nd Respondent present