



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
MISC. APPLICATION NO.99 OF 2010

REPUBLICAPPLICANT

VERSUS

D.L.A.S.O., TIGANIA WEST DISTRICT.....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

AGGREY MURAGA ETHANGATHA.....1ST INTERESTED PARTY

FRANCIS MICHUKI.....2ND INTERESTED PARTY

EARNEST KIREMA.....3RD INTERESTED PARTY

JASON K. MBERIA.....4TH INTERESTED PARTY

HENRY ETHAIBA.....5TH INTERESTED PARTY

SILAS MUTHEE MBERIA.....6TH INTERESTED PARTY

JOHNSON KIBARA MBAABU.....7TH INTERESTED PARTY

SAMUEL MUKIRI8TH INTERESTED PARTY

BENJAMIN GITONGA ANDREWEX-PARTE APPLICANT

LOUIS MUTIGA M'MUKIRI.....APPLICANT

R U L I N G

This application is dated 16.11.2015 and seeks orders.

1. ***THAT this application be certified very urgent and it be heard on priority basis.***
2. ***THAT the applicant, LOUIS MUTIGA M'MUKIRI, be enjoined in these proceedings, to substitute the deceased 8th Interested Party, and proceed with the matter henceforth.***
3. ***THAT the claim against the 8th interested Party be revived.***
4. ***THAT costs of the application be in the cause.***

The application is supported by the affidavit of LOUIS MUTIGA M'MUKIRI and has, inter alia, the following grounds:-

1. ***THAT the applicant is a son of the deceased 8th Interested Party.***
2. ***THAT the applicant has obtained letters of administration ad litem, in Meru H.C Misc. Succ. Cause No. 332 of 2015, to substitute the 8th Interested Party who is now deceased.***
3. ***THAT this matter concerns a property (land) in rem & survives the estate of the deceased.***
4. ***THAT the heirs of the deceased attach sentimental value into the said land where they live.***

During interpartes hearing on 21st March,2016, it transpired that the application was not opposed. In the circumstances, the application is allowed in terms of prayers 2 and 3 with the effect that LOUIS MUTIGA M' MUKIRI is enjoined in these proceedings in place of the deceased 8th Interested Party AND the claim against the 8th Interested party is revived.

I further issued the following orders:-

1. ***Costs of this application shall be in the cause.***
2. ***The exparte Applicant should file and exchange his Written Submission within 30 days of today.***
3. ***The Respondents and the Interested parties should file and exchange their Written Submissions within 30 days of receipt of the exparte applicants' Written Submissions and should the exparte applicant fail to file and exchange his Submissions within the stipulated time, the other parties may file and exchange their Submissions.***
4. ***Mr. Carlpeters Mbaabu, for the Applicant, to serve the orders issued by this Court upon the exparte Applicant within 10 days, of today.***
5. ***Directions on 23/5/2016 .***

It is so ordered.

Delivered in Open Court at Meru this 23rd day of March, 2016 in the presence of:

CC: Daniel/Lilian

Calpeters Mbaabu for the Applicant

Miss Kungu for the Respondent

P . M .NJOROGE

JUDGE