



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ELC SUIT NO 58 OF 2015**

**COL. (RTD) DR. HENRY MUTHEE KATHURIMA.....PLAINTIFF**

**VERSUS**

**THE COUNTY GOVERNMENT OF MERU.....DEFENDANT**

**R U L I N G**

1. This application is dated 21st July, 2016 and seeks orders:-

***(1) THAT this application be certified urgent and that it be heard urgently.***

***(2) THAT the Honourable Court be pleased to issue an order, substituting the deceased plaintiff with SARAH MWAKA KATHURIMA who is the legal representative of the estate of the Plaintiff.***

***(3) THAT costs be in cause.***

2. It is supported by the affidavit of the applicant SARAH MWAKA KATHURIMA and has the following grounds:-

***1. The Plaintiff died on 23/05/2016 while this suit was pending for hearing.***

***2. The cause of action in this suit survives the death of the plaintiff.***

***3. The Applicant has been granted letters of administration Ad. Litem for purposes of being substituted in this matter in the place of the deceased plaintiff.***

3. As the application only seeks to substitute a deceased litigant, I find that it has merit. It is, therefore allowed in terms of prayer 2.

4. Costs shall be in the cause.

5. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 25TH DAY OF JULY, 2016 IN THE PRESENCE OF:-**

CC: Daniel/Lilian

**P.M. NJOROGÉ**

**JUDGE**