

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISC CIVIL APPLICATION NO. 57 OF 2016

IN THE MATTER OF EXHUMATIO OF THE BODY OF GLORY KENDI (DECEASED)

ROSE ANGELICAH NKONGE.....1ST APPLICANT

JAMES KINOTI MUTHAURA.....2ND APPLICANT

RULING

1. This application is dated 12th July, 2016 and seeks orders that:-

1. THAT this application be certified as urgent.

2. THAT the body of one Glory Kendi, who died on 28th July, 2014 and was buried at Meru on Land Parcel No. Ntima/Igoki/9340 a subdivision of Land Parcel No. Ntima/Igoki/7024 belonging to the 2nd Applicant be exhumed and reinterred/ reburied on Land Parcel No. Ruiri/Rwarera/3342 belonging to the 1st Applicant.

3. THAT cost of this application be provided for.

2. The application is supported by the Affidavit of ANGELINA NKONGE and JAMES KINOTI MUTHAURA sworn on 12th July, 2016.

3. When the matter came up for directions on 20/09/2016, the Court discovered that the application is one of its kind as it does not have a Respondent.

4. I must own up that the Supporting Affidavit is also one of its own kind as it is jointly signed by the Applicants. I am not opining that there is anything wrong with it.

5. For the lack of a Respondent, I find that this application is incurably incompetent and merits summary dismissal.

6. This application and the whole suit is dismissed forthwith.

7. No costs are awarded.

DELIVERED IN OPEN COURT AT MERU THIS 21ST DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-

CA: Daniel/James

B. Kimathi h/b Nyenyire for the Applicants

P.M.NJOROGE

JUDGE