



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**

**PETITION NO 37 OF 2011**

**IN THE MATTER OF ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS & FREEDOMS UNDER ARTICLE 40 OF THE CONSTITUTION OF KENYA**

**BETWEEN**

DISTRICT LAND ADJUDICATION AND

DEMARCATON OFFICER TIGANIA WEST.....1ST RESPONDENT

ATTORNEY GENERAL..... 2ND RESPONDENT

JEREMIAH MUGAMBI.....3RD RESPONDENT

ISAIAH IGWATHU.....4TH RESPONDENT

MWONGERA WILLIAM.....5TH RESPONDENT

ELIAS MWENDA M'MINYORI..... 6TH RESPONDENT

**AND**

ROSE MWENDWA MUGAMBI.....APPLICANT

**R U L I N G**

1. This application is dated 13th January, 2016. It seeks an order to make Rose Mwenda Mugambi, the applicant, a party to substitute the 3rd defendant, Jeremiah Mugambi. It also prays that costs of the application be in the cause.
2. It is not controverted that the 3rd defendant died on 03/09/2014.
3. To facilitate expeditious disposal of the main suit, I find that the application has merit.
4. In the circumstances, the application is allowed.
5. Costs shall be in the cause.
6. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 23RD DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-**

C.A : James

Manases Kariuki h/b Murango Mwenda for Applicants

Baithambu h/b Ondari for the Petitioner.

**P.M. NJOROGE**

**JUDGE**