



**REPUBLIC OF KENYA**

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

**E.L.C NO. 104 OF 2013**

**PATRICK MITHIKA.....PLAINTIFF**

**VS**

**JOSHUA MANGATI.....DEFENDANT**

**RULING**

1. This application is dated 10/10/2016 and seeks orders;-

***1. That Hilda Mukwanyaga Mangati be appointed as a defendant in this suit in substitution of Joshua Mangati who is now deceased.***

***2. Costs of the application be paid by the respondent, Hilda Mukwanyaga Mangati.***

2. The application is supported by the affidavit of Patrick Mithika sworn on 10/10/2016 and has the following grounds;-

***(I) The defendant herein Joshua Mangati died sometime in the year 2015.***

***(ii) That the cause of action survives his death.***

***(iii) That the respondent herein Hilda Mukwanyaga Mangati is the legal representative of the deceased.***

3. The applicant's advocate Mr Murango Mwenda has explained to the court that the application is intended to facilitate the expeditious disposal of this suit through the substitution of the deceased defendant with his son, the applicant.

4. I agree.

5. In the circumstances, the application is allowed in terms of prayer 1.

6. Costs shall be in the cause.

7. It is so ordered.

Delivered in open court at Meru this 22nd day of November, 2016 in the presence of;-

C.A James

Murango Mwenda for the applicant.

**P .M. NJOROGI**

**JUDGE**