



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

JUDICIAL REVIEW NO. 27 OF 2010

COUNTY COUNCIL OF THARAKA.....EX-PARTE APPLICANT

COUNTY GOVERNMENT OF THARAKA NITHI.....INTENDED EX-PARTE APPLICANT

VERSUS

THARAKA NORTH DISTRICT LAND DISPUTES TRIBUNAL.....RESPONDENT

BERNARD K. NKANGA.....INTERESTED PARTY

AGNES MATIIRA KAMWARA.....APPLICANT/INTENDED INTERESTED PARTY

RULING

This application which is dated 3rd November, 2014 seeks orders;

- 1. That the applicant herein be substituted as the Interested Party instead of BERNARD K. NKANGA (now deceased)***
- 2. That the Ex-parte Applicant herein be substituted with the County Government of Tharaka Nithi***
- 3. Costs of the application be costs in the cause.***

It has the following grounds:

- i. The interested party herein died on the 25.9.2010 while this suit was still pending***
- ii. That the applicant has been appointed legal representative of the deceased for purposes of continuing with this case.***

During interpartes hearing the application was not opposed. It is allowed.

The Court notes that the suit merited dismissal for want of prosecution as no step had been taken between 1.5.2010 and 28.1.2015. However, in the interest of justice, all parties need to be heard. I issue the following orders:

- 1. This application is allowed with costs to be in the cause.***
- 2. Ex- parte applicant to obtain instructions within 30 days of today and to file written submissions within 60 days after closure of the period allowed for instructions.***
- 3. All apposite documents in this case to be served upon the Attorney***

General, on behalf of the Respondent, the defunct Tharaka North District Land Disputes Tribunal.

- 4. The Interested Party and the AG to file written submissions within 30 days after service of the Exparte Applicant's submissions.***
- 5. Mention to confirm filing of submissions on 14th July, 2015.***

It is so ordered.

Delivered in Open court at Meru this 23rd day of April, 2015 in the presence of:

Cc. Daniel

Mutegi for Exparte Applicant/Respondent

J. G. Gitonga for the Applicant

P. M. NJOROGE

JUDGE