

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 251 OF 2010

IN THE ESTATE OF KIMUNYA MBUTU GICHIRI alias KIMUNYA MBUTU (DECEASED)

RULING

1. The summons dated 28th February 2014 seeks the substitution of John Njuguna Kimunya as applicant in the Summons for Revocation dated 12th February 2010. The said application is brought at the instance of James Gathu Njuguna, who seeks to take the place of John Njuguna Kimunya in the summons for revocation.

2. It is not disputed that the said John Njuguna Kimunya is dead. It is also not disputed that representation to his estate has been obtained by James Gathu Njuguna, although limited to the latter representing the deceased in these succession proceeding and in **High Court ELC No. 12 of 2010**.

3. I have noted the lengthy affidavit sworn by the respondent in reply to the application. However, the issues raised in the reply are not germane to the matter at hand – the substitution of the applicant in the summons for revocation dated 12th February 2010. I am of the view that there is no genuine opposition to the application dated 28th February 2014.

4. I therefore do hereby allow the said application of 28th February 2014. As the opposition to it was pointless, I award costs of the application to the applicant.

DATED, SIGNED and DELIVERED at NAIROBI this 29TH DAY OF MAY, 2015.

W. MUSYOKA

JUDGE

In the presence of advocate for the applicant.

In the presence of advocate for the respondents.