



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**MISC. CAUSE NO. 23 OF 2010**

**IN THE MATTER OF AN APPLICATION BY MICHAEL MUNGAI KIMANI, STEPHEN NJUGUNA KIMANI, ELIUD MBUGUA KIMANI, JOHN CHEGE KIMANI, JAMES WAITITU KIMANI, DENNIS MURIITHI KIMANI AND GEORGE NJOROGE KIMANI**

**IN THE MATTER OF PRESUME OF THE DEATH OF KIMANI GITUANJA**

**RULING**

1. The motion dated 17<sup>th</sup> December 2013 seeks the joinder of the applicant as interested party to the Originating Summons dated 13<sup>th</sup> February 2012.
2. The said Motion was served on the respondents on 10<sup>th</sup> March 2014. There is an affidavit of service on record sworn by one Johnstone Kioko Nzivu on 19<sup>th</sup> March 2014, which shows that a copy of the Motion was received at the offices of G.E.O. Oluoch, Advocate, on 10<sup>th</sup> March 2014, a signature was affixed and a stamp embossed on the reverse of the copy of the Motion to acknowledge receipt.
3. The respondents have not filed replies to the Motion. I shall therefore treat it as unopposed.
4. I have skimmed through the contents of the application. I am satisfied that the applicant is no doubt sufficiently connected to and interested in the subject of the Originating Summons dated 13<sup>th</sup> February 2012. It would be proper to enjoin her as an interested party in those proceedings.
5. Consequently, the application by way of the Notice of Motion dated 17<sup>th</sup> December 2013 is hereby allowed in the terms proposed by the applicant.

**DATED, SIGNED and DELIVERED at NAIROBI this 25<sup>th</sup> DAY OF April, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Musingu advocate for the applicants.**