



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
PETITION NO. 2 OF 2012

THE PRESBYTERIAN FOUNDATION

PCEA IRIGA PARISH

IRIGA DISPENSARY.....PETITIONERS

VERSUS

DIRECTOR OF MEDICAL SERVICES.....1ST RESPONDENT

MERU SOUTH COUNTY COUNCIL.....2ND RESPONDENT

ATTORNEY GENERAL.....3RD RESPONDENT

R U L I N G

This application is dated 17th day of June, 2014 and seeks orders:

1. **This matter be certified urgent and service be dispensed with.**
2. **The petitioner herein be granted leave and be allowed to amend his pleadings (Petition) in terms of the 2nd respondent, to substitute the 2nd Respondent with the Tharaka Nithi County Government as per the new Constitutional dispensation and as per the attached draft.**
3. **That Costs of this application be provided for.**

It is supported by the Affidavit of one Amos Musa Kaburu, for the petitioners/applicant and on the following grounds.

1. **That the 2nd respondent has now become defunct pursuant to the new constitutional dispensation.**
2. **That the matter cannot move unless the said amendment is done.**
3. **That no prejudice shall be done**

The 1st and 3rd respondent's have not opposed the application. The 2nd respondent is defunct. The application is meant to facilitate the substitution of the defunct Meru South Country Council with the

proper corporate body.

In the circumstances it is allowed with costs to be in the cause.

It is so ordered.

Delivered in Open Court at Meru this 21st day of July, 2014 in the presence of:

Cc. Daniel/ Lilian

Menge for 1st 2nd, 3rd Respondents

Miss Koome for Applicant

P. M. NJOROGE

JUDGE