



REPUBLIC OF KENYA

IN THE HIGH COURT

AT EMBU

Civil Appeal 52 of 1996

DISHON MAREKO MWANGINE1ST APPLICANT

NYAGA BURANA2ND APPLICANT

NAAMAN IRERI SIGANA3RD APPLICANT

EZEKIEL NDARA4TH APPLICANT

GILBERT KIURA MATHOROKO5TH APPLICANT

VERSUS

FAUSTINO NJERU NJOKA.....1ST RESPONDENT

FRANCIS NJERU NYAGA2ND RESPONDENT

***(AN APPEAL FROM THE RULING DELIVERED ON 28TH JUNE 1996 BY HON. N.H. OUNDU -
RM AT SIAKAGO RESIDENT MAGISTRATE'S COURT MISC. CIVIL APPLICATION NO. 7 OF
1995 & NO. 1 OF 1996 CONSO21LIDATED)***

RULING

When the application dated 16/11/2004 came for hearing on 24/4/2012 Mr. Wandati for Applicants raised a preliminary objection. The issues he raised touched on the competence of the firm of Oundu & Makori

appearing for Respondents.

After perusal of the file I was not able to see the orders from the Court of Appeal dismissing any appeals filed there as indicated by M/s Makori.

I have however noted that the original Ruling which gave rise to the consolidated Appeals in the High Court was by one N.H. Oundu. I do not know if he is the same person practicing as Oundu & Makori & Associates or the one who was with Indeche & Associates.

In brief I direct that Mr. Wandati files a formal application so that an adequate response is filed by the Respondents' Counsel. The application should be filed and served within 21 days. Counsels should also address the issue of the deceased parties as soon as possible.

DATED, SIGNED AND DELIVERED AT EMBU THIS 7TH DAY OF JUNE 2012

**H.I. ONG'UDI
JUDGE**

IN THE PRESENCE OF:

NJOROGE FOR MUTUA FOR APPLICANTS

MR. IGATI FOR M/S MAKORI FOR RESPONDENTS

C/C - NJUE