



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**CIVIL CASE NO. 350 OF 1999**

**SILVIA WANGUI WANDETO.....APPLICANT**

**VERSUS**

**FRANCIS WANDETO KAHUTI .....RESPONDENT**

**RULING ON DIRECTIONS**

**SILVIA WANGUI WANDETO**, the applicant herein, took out the Motion dated 22<sup>nd</sup> October 2008 in which she applied for an order to allow the Deputy Registrar to execute the necessary documents to transfer the parcel of land known as **L.R. NAROMORU BLOCK 1/RAGATI/193** Guara area, Nyeri District to the purchaser. When the Motion came up for interpartes hearing, Mr. Muthui learned advocate for the Respondent urged this court to give directions on whether or not it is necessary to substitute the Respondent who is said to have passed away on 22<sup>nd</sup> April 2009. Mr. Kinyanjui was of the view that it was not necessary under *Order 24 rule 10* of the Civil Procedure Rules. I have perused the aforesaid Motion plus the affidavit in support. Basically the Applicant is seeking to have the decree executed. In the entire application there is no allegation that the Respondent is required to execute any document. In my view it is not necessary for the Applicant to wait for the deceased to be substituted. I direct that the Motion proceeds for hearing as scheduled.

***Dated and delivered at Nyeri this 1<sup>st</sup> day of April 2011.***

**J. K. SERGON**  
**JUDGE**

In open the presence of Mr. Muthui Kimani for Respondent and Lompo h/b Kinyunjui for applicant.

J.K. SERGON  
JUDGE