



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**MISC. CIVIL APPLICATION NO 119 F 2011**

**PHILIS WANYAGA**

**NJIRU.....PLAINTIFF**

**VERSUS**

**MICHAEL NYAGA**

**KARUGENDO.....DEFENDANT**

**R U L I N G**

The Applicant has filed this suit under Section 118A of the Evidence Act for an order on presumption of death AND an order under Rule 10 and 73 of Law of succession Act.

The same is supported by her own affidavit sworn on 5/8/2011 plus a letter from the Chief of Mankengi Location Embu.

The evidence is that one **Michael Nyaga Karugendo** and registered owner of **Land Parcel No. Gaturi/Nembure 1706** has not been seen or heard of since the year 2000. His family does not know of his whereabouts.

It is over ten (10) years since his disappearance. From the evidence of the Applicant and the area chief the court is inclined to presume and declare Michael Nyaga Karugendo dead under the provisions of Section 18A of the Evidence Act and Rule 10 of the Law of Succession Act.

The Applicant may now move the court in any other manner she so wishes.

**DELIVERED, SIGNED AND DATED AT EMBU IN OPEN COURT THIS 17<sup>TH</sup> DAY OF OCTOBER 2011.**

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