

MARK AKHONYA:.....PLAINTIFF

VERSUS

GOPALBHAL KARASAN PATEL:.....DEFENDANT

RULING:

It is conceded that the Applicant Andrew Amunze Ayuka is not the administrator of the estate of Mark Akhonya amunze. He says he is the administrator of the estate of Hebron Amunze. Hebron Amunze was the Administrator of the estate of Mark Amunze. With the death of Hebron and there being no substitution, there is in law no administrator of the estate of Mark. On that ground I uphold the Preliminary Objection on ground one. In that case I need not concern myself with ground 2 of the Preliminary Objection as the same resolves itself. The applicant simply has no locus standi.

DATED AND DELIVERED AT ELDORET THIS 21ST DAY OF OCTOBER, 2009.

P.M.MWILU

JUDGE

IN THE PRESENCE OF:-

C/C - Paul

Jaguga for Respondent

Kamau for Applicant