

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 1055 of 2001

NJEGA GACHATHI.....PLAINTIFF

VERSUS

NJOROGE MWORORO.....DEFENDANT

ORDER

In this application Joseph Mburu Njoroge and Patrick Kiarie Njoroge seek among other Orders, that they be substituted as Defendants in this suit in place of their father, Njoroge Mwororo, the Defendant who died on the 10th July 2003. They have obtained a Limited Grant of Letters of Administration *Ad Litem* dated the 26th July 2005.

When Counsel appeared before me on the 30th January 2006, I heard submissions limited to prayer No. 1 on the Chamber Summons application dated the 8th August 2005, and reserved my ruling on that point to this morning. On further consideration, it seems to me that if I make a determination on that point one way or the other, it will affect prayers 2,3 and 4 without the benefit of arguments.

The court is being asked to issue an injunction against the plaintiff; to set aside the consent judgment entered in favour of the Plaintiff on the 8th October, 2001; and for leave to be granted to the new Defendants to file a Defence in a case which for all practical purposes has been concluded.

It is more convenient that all these matters are dealt with in a single ruling to avoid a multiplicity of challenges by way of appeals.

For these reasons, I order that the Chamber Summons application dated the 8th August 2005 be heard on a date to be fixed at the Registry on a priority basis.

Costs are reserved.

Dated and delivered at Nairobi this tenth day of February 2006.

P. Kihara Karuiki

Judge