

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 1326 of 1978

NJOROGE MURATHE.....PLAINTIFF

VERSUS

KINYANJUA NJOROGE.....DEFENDANT

RULING

The applicant's husband now deceased filed this suit against the defendant by way of Original Summons dated 2nd June 1978. The dispute was by consent referred to Arbitration by Panel of Elders to be presided over by the District Officer Githunguri. Each party nominated 2 elders to sit with the District Officer.

The elders deliberated over the matter and filed their award in court on 27th April 1983.

The award was read to the parties on 28th June 1983 and was stood over to 28th July 1983 for further orders but the plaintiff passed away before that date and the matter was stood over generally.

The applicant who is the widow of the plaintiff applied for grant for the purposes of representation and she obtained Letters of Administration and the grant was issued to her on 12th October 2005 for the purposes of prosecuting this suit. She now applies by way of this Chamber Summons for orders that she be substituted in place of her late husband for the purposes of continuation of the suit.

The application is allowed in terms of Prayer 1 of the Chamber Summons dated 10th February 2006. The applicant is substituted in place of her deceased husband. But for Prayer 2, since the award was read but before it was confirmed the plaintiff died, she should have taken another date for the purposes of confirming the award which has already been read.

Dated and delivered at Nairobi this 27th day of July 2006.

J.L.A. OSIEMO

JUDGE