



REPUBLIC OF KENYA



**Sule v Juma & another (Civil Appeal 97 of 2019)
[2024] KEHC 12033 (KLR) (1 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12033 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL 97 OF 2019
MS SHARIFF, J
OCTOBER 1, 2024**

BETWEEN

MONICA ADUDA SULE APPELLANT

AND

DUNCAN OTIENO JUMA 1ST RESPONDENT

GOWDENSIA AWINO JUMA 2ND RESPONDENT

RULING

1. I have considered the notice of motion dated 8.7.2024, the supporting affidavit of John Omolo Bodo of even date and the enclosures. I have also considered the rival submissions of parties and I have to agree with Ms. Omondi that time lapsed one year after the death of the Appellant on 21.2.2023. No leave was sought to extend the limitation period prior to the filing of this application.
2. It has been submitted by the Appellant's Counsel that an earlier application for substitution had been dismissed for want of a grant of letters of administration on the part of the Applicant.
3. It is not the duty of this court to accommodate lapses of parties.
4. This appeal abated on 21.2.2024 wherefore there is no substratum to enable substitution of the Appellant.
5. This application is thus disallowed with no orders as to costs.
6. This file is marked as closed.

DELIVERED, DATED AND SIGNED AT KISUMU THIS 1ST DAY OF OCTOBER, 2024.

M. S. SHARIFF

JUDGE

