



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
COMMERCIAL & TAX DIVISION
CIVIL CASE NO. 93 OF 2001

MABEL WAKASA ASUMBA.....PLAINTIFF

VERSUS

JOHN MWAURA WAINAINA.....1ST DEFENDANT

WAKOMO SERVICES LIMITED.....2ND DEFENDANT

HESBON AHIRO ASUMBA.....3RD DEFENDANT

BANU SALYANI.....4TH DEFENDANT

TRUST BANK (IN LIQUIDATION).....5TH DEFENDANT

RULING

1. The application dated 17/11/2020 is hereby allowed.
2. The 1st Defendant is substituted with his widow, Margaret Wambura Thuku.
3. There shall be no orders as to costs.
4. Although this matter was fully heard and submissions made, wherein only writing of the judgment is pending, I am unable to write the judgment due to personal conflict of interest.
5. Accordingly, the file shall be mentioned before Hon. Mabeya, J, the Presiding Judge of the Division, to allocate a Judge to write the judgment as the trial Judge has since left the Division. Mention on 21/04/2021
6. Meanwhile, the proceedings to be typed.

DATED AND DELIVERED AT NAIROBI THIS 13TH APRIL, 2021.

G.W.NGENYE-MACHARIA

JUDGE

In the presence of:

1. Anne Mbugua for the 1st and 2nd Defendants
2. Amolo Kibaya for the Plaintiff

3. *No appearance for 3rd and 4th Defendants*

4. *Mr. Bett h/b for Kemingich for the 5th Defendant*