



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT MERU  
CIVIL SUIT NO.9 OF 2006

M'KUBANIA NDWARA.....PLAINTIFF

VERSUS

CATERINA M'IBUI.....1ST DEFENDANT

THURANIRA THIRITU.....2ND DEFENDANT

FARID VIMLA .....3RD DEFENDANT

THE DISTRICT LAND ADJUDICATION

OFFICER, MERU NORTH.....4TH DEFENDANT

THE HON. ATTORNEY GENERAL.....5TH DEFENDANT

R U L I N G

This application is dated 11/03/2013 and seeks orders:-

1. ***THAT this Honourable Court be pleased to certify this application urgent and the same be heard for prayer No. 2 on priority basis.***
2. ***THAT this Honourable Court be pleased to allow one FLORENCE KABIRITHU INDA to be made a party herein as the Legal Representative of the Estate of the late M'KUBANIA NDWARA, the Plaintiff herein for purposes of taking over as the plaintiff and proceeding as such in the prosecution of this suit.***
3. ***THAT the costs of this Application be costs in the cause.***

The application is supported by the affidavit of Florence Kabirithu Inda, the applicant and has the following grounds:-

- a. ***The Deceased died intestate at Mutionjuri Village in Meru County within the Republic of Kenya out of natural causes.***
- b. ***The Deceased had prior to filed this suit and which was still pending for determination at the time of his death.***
- c. ***The Applicant is the deceased's biological daughter and has now been issued with a Grant of Letters of Administration Ad litem for purposes of taking over and prosecuting this suit.***

- d. *The said Application is brought to Court in utmost urgency and should be heard and considered on priority basis.*
- e. *This Application is brought to Court in utmost good faith and the prayers being sought for, if granted, will not in any prejudice the Defendants' case , if any.*
- f. *The nature and circumstances hereof are in favour of granting of the prayers being sought for vide this application.*

Mr. Nyamu Nyaga, the applicant's Advocate has told the Court that this application has not been opposed. He has asked the Court to allow it.

I do detest the use of pending applications as excuses for delaying hearing and determination of suits. This suit is 10 years old and I do opine that it deserves expeditious disposal.

Allowing this application will not be prejudicial to any of the parties . I find it meritorious to allow it.

**In the circumstances, the application is allowed in terms of prayer 2.**

**Costs shall be in the cause.**

**It is so ordered.**

Delivered in Open Court at Meru this **8th day of March, 2016** in the presence of:

CC: Lilian/Daniel

Nyamu Nyaga for the Plaintiff

**P. M. NJORGE**

**JUDGE**