

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CIVL SUIT NO 75 OF 2005

BENJAMIN MAKUYU.....PLAINTIFF

VERSUS

GLADYS RUGURU W/O THANDUKU.....DEFENDANT

RULING

Parties were to show cause why this suit should not be dismissed in terms of Order 17, CPR, on 16/03/2016. On that day, Mr. Manasses Kariuki, informed the Court that the Defendant had died sometimes back and his firm was in the process of obtaining a death certificate to enable them to initiate the process of substitution of the deceased defendant with a family member.

Mr. Kariuki explained that the Plaintiff and the defendant did not live in the same area. He told the Court that the distance between the abodes of the two parties explained the reason why the Plaintiff had not, until recently, got the knowledge that the defendant had died. He told the Court that the Plaintiff was anxious to have this suit heard and determined.

I find that the Plaintiff has shown to the satisfaction of this Court that the suit should not be dismissed. In the circumstances, the suit is not dismissed.

It is so ordered.

Delivered in Open Court at Meru this 12th day of April, 2016 in the presence of:-

CC:DanielLilian

Manases Kariuki for the plaintiff

P.M.NJOROGE

JUDGE: