



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIROMMENT AND LAND SUIT NO. 79 OF 2014

COL (RTD) DR. HENRY MUTHEE KATHURIMA.....PLAINTIFF

VERSUS

COUNTY GOVERNMENT OF MERU.....DEFENDANT

RULING

1. This Application is filed Under Order 24 Rule 3(1) of the Civil Procedure Rules. It seeks the following orders:

- 1. THAT this application be certified urgent and that it be heard urgently.**
- 2. THAT the Honourable Court be pleased to issue an order, substituting the deceased plaintiff with SARAH MWAKA KATHURIMA who is the legal representative of the estate of the Plaintiff.**
- 3. THAT costs be in the cause.**

2. The Application is buttressed by the Affidavit of SARAH MWAKA KATHURIMA and has the following grounds:

- 1. The Plaintiff died on 23/05/2016 while this suit was pending for hearing.**
- 2. The cause of action in this suit survives the death of the Plaintiff.**
- 3. The Applicant has been granted letters of administration Ad Litem for purposes of being substituted in this matter in the place of the deceased plaintiff.**
- 4. THAT no prejudice shall be occasioned upon the defendant if the application is allowed**

3. At the exparte stage on 07/09/2016, Mr Mwirigi, the applicant's Advocate told the Court that the Applicant who is the wife of the deceased Plaintiff wanted to be substituted with her husband to allow her prosecute this suit expeditiously so that the estate of her husband was protected.

4. As this Application is facilitative, I find that the orders sought are meritorious and can be granted at this stage.

5. I grant prayer 2.

6. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 7TH DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-

CC: Lilian/Daniel

Mwirigi for the Applicant

P .M. NJOROGE

JUDGE