



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL APPEAL NO 93 OF 2009**

**SAMSON KIMANA.....APPELLANT**

**VERSUS**

**DANIEL MUYURI .....1st RESPONDENT**

**NYAMBENE COUNTY COUNCIL.....2nd RESPONDENT**

**RULING**

This application is dated 25th July, 2014 and seeks Orders:-

1. ***THAT the Appellant be granted leave to substitute MERU COUNTY GOVERNMENT in place of NYAMBENE COUNTY COUNCIL as the 2nd Respondent.***
2. ***THAT the pleadings be accordingly amended.***
3. ***THAT the annexed Memorandum of Appeal herein be deemed as duly filed upon payment of requisite fees.***
4. ***THAT the costs of this application be in cause.***

It is supported by the affidavit of SAMSON KIMANAA and has the following grounds:-

1. ***THAT the 2nd Respondent NYAMBENE COUNTY COUNCIL is defunct.***
2. ***THAT MERU COUNTY GOVERNMENT is the successor to the NYAMBENE COUNTY COUNCIL.***
3. ***THAT the appeal at hand is still pending in court and requires to be dispensed with.***
4. ***THAT it is in the interest of Justice that this Application be allowed.***

When the Application came up for directions on 2nd July, 2015, the 1st Respondent told the Court that he did not oppose it.

I find that the Application is merely facilitative in order to bring the County Government of Meru into the suit in the place of the County Council of Nyambene. In the circumstances, the Application is allowed with costs to be in the cause.

**Delivered in Open Court at Meru this 2nd day of July, 2015 in the presence of:-**

CC: Daniel/Lilian

Carlpeters Mbaabu holding brief Miss Mutinda for Appellant

Mutura for 1st Respondent

**P.M.NJOROGE**

**JUDGE**