



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 73. OF 2006 (O.S)

EMILIO MARANGU M'NDIIRI.....PLAINTIFF

VERSUS

ANJERO MUNENE MARINDI.....1ST DEFENDANT

LAWRENCE ANTONY KINYUA.....2ND DEFENDANT

FAITH N KINGA KABUCHA.....3RD DEFENDANT

R U L I N G

This application states that it is brought under Order 24 Rules 4 and 5 of the Civil Procedure Rules. It seeks orders:

1. ***THAT this application be certified as urgent and be heard on a priority basis.***
2. ***THAT an order be issued substituting the 1st defendant who is deceased with one ERASTO NJERU MUNENE for purposes of proceeding with the suit herein.***
3. ***THAT costs of the application be in the cause***

The application is buttressed by the affidavit of **ERASTO NJERU MUNENE** and has the following grounds:

- a) ***THAT the 1st defendant died on 24.9.2010.***
- b) ***THAT the proposed 1st defendant is a son of the deceased ANJERO MUNENE MARINDI and has obtained Letters of Administration ADLITEM for purposes of defending this suit.***

The parties have told the Court that the application is not opposed. In the circumstances, I issue the following orders:

1. ***An order substituting the 1st defendant, deceased, with one ERASTO NJERU MUNENE for purposes of proceeding with suit is hereby issued.***
2. ***Costs shall be in the cause.***
3. ***Parties to fully comply with orders 3, 7, and 11 of the Civil Procedure Rules within 60 days.***

4. *Upon achievement of compliance, parties to obtain a mutually convenient date for directions from the Registry. It is so ordered.*

Delivered in Open Court at Meru this 4th day of November, 2015 in the presence of:

Cc. Daniel/Lilian

Miss Rimita h/b Mwanzia for 1st and 2nd Defendant

Mburuga h/b Mwenda Mwarania for Plaintiff

P. M. NJOROGE

JUDGE