



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

CIVIL CASE NO 81 OF 2015 (OS)

**IN THE MATTER OF THE ESTATE OF M'IKIUGU M'MWIRICHIA Alias IKUGU
MWIRICHIA – DECEASED**

JUSTUS THIORA KIUGU.....1ST PLAINTIFF/APPLICANT

DAVID KUBANIA KIUGU.....2ND PLAINTIFF/APPLICANT

JULIUS KATHURIMA KIUGU.....3RD PLAINTIFF/APPLICANT

AYUB MWITI KIUGU.....4TH PLAINTIFF/APPLICANT

EDWARD MAITETHIA KIUGU.....5TH PLAINTIFF/APPLICANT

VERSUS

JOYCE NKATHA KIUGU.....1ST DEFENDANT/RESPONDENT

R U L I N G

This application is brought to Court under Order 1 Rule 3 of the Civil Procedure Rules and Sections 1A, 1B and 3A of the Civil Procedure Act. The application is dated 11th November, 2015 and seeks Orders:

1. ***THAT STEVE MURETI KIUGU be added as a 2nd Defendant in this suit.***
2. ***THAT costs of the application be in the cause.***

The application is supported by the affidavit of STEVE MURETI KIUGU and on the following grounds:

1. ***THAT the intended 2nd defendant is a beneficiary of the estate of M'IKIUGU M'MWIRICHIA alias IKIUGU MWIRICHIA.***
2. ***THAT in the pleadings filed by the Plaintiffs, the 2nd intended Defendant is adversely mentioned in the affidavits filed.***
3. ***THAT it is prudent to join the 2nd Intended Defendant to help the court determine all the issues in controversy.***
4. ***THAT no prejudice shall be occasioned upon the other parties if the 2nd intended Defendant is joined in the suit.***

When the matter came up for directions on 11th November, 2015, all the parties involved told the Court that they were not opposed to the application. In the Circumstances, the application is allowed in terms of prayers 1 and 2.

It is so ordered.

Delivered in open Court at Meru this 11th day of November, 2015 in the presence of:-

CC: Daniel/Lilian

All Plaintiffs

Arithi for 1st Defendant

Mwirigi for 2nd Defendant

P. M. NJOROGE

JUDGE