



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HCC NO. 43 OF 2008

CATHERINE NKIROTE ZAKAYO.....PLAINTIFF

VERSUS

STEPHEN MARETE.....1ST DEFENDANT

JOSEPH MURIITHI MARETE.....2ND DEFENDANT

RULING

This application is dated 5th May, 2014 and seeks orders that:

- A. The Honourable court be pleased to extend time for the applicant to be substituted as plaintiff instead of the deceased.***
- B. The honourable court be pleased to substitute the plaintiff who is deceased with the applicant who is her legal representative.***
- C. The honourable court be pleased to make any other orders as may meet the ends of justice.***
- D. Costs be provided for.***

It is premised upon the following grounds:-

- A. The cause of action herein survives plaintiff***
- B. The applicant is the legal representative of the deceased plaintiff***
- C. The applicant filed this application late due to lack of money to institute it.***
- D. No prejudice to the respondent in application granted***

When the parties came to court for directions on 1.10.2014, the respondent told the court that he was not opposed to the application. In the circumstances, I allow the application.

Costs shall be in the cause.

Delivered in Open Court at Meru on 1st October, 2014 in the presence of:

Cc. Daniel/Lilian

Kiambi h/b Kiogora For Defendant

Gichunge h/b Kimathi Kiara for Plaintiff

P. M. NJORGE

JUDGE