



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

PETITION NO. 11 OF 2012

IN THE MATTER OF CONTRAVENTION OF FUNDAMENTAL RIGHTS AND FUNDAMENTAL
FREEDOM ENSHRINED IN UNDER THE CONSTITUTION OF KENYA

IN THE MATTER OF ARTICLE 27, 40, 47, 48, AND 50 OF THE CONSTITUTION OF KENYA

BETWEEN

M'THURANIRA M'IGUATHU.....1ST PETITIONER

CHARLES MUUNA.....2ND PETITIONER

MUKIIRA IGUARA.....3RD PETITIONER

VERSIS

THE LAND ADJUDICATION AND SETTLEMENT OFFICER IGEMBE/TIGANIA ADJUDICATION
AREA.....1ST RESPONDENT

ATTORNEY GENERAL.....2ND RESPONDENT

STEPHEN MURIMI M 'IKUNYUA.....INTERESTED PARTY

RULING

This application is dated 6.5.2014 and seeks orders:

1. ***That this honourable court be pleased to extend the Limited period to join the Applicant LUKE KALWIGI THURUANIRA to be the legal representative of the 1st petitioner who died on 23.2.2013.***
2. ***That this honourable court be pleased to order the removal of the interested party from the proceedings herein as he is now deceased.***
3. ***That the costs of the application be provided***

It is supported by the following grounds:

- a) **That the 1st petitioner and interested party died while these proceedings were pending.**

b) That the 1st petitioner has since applied to be the legal representative of the 1st petitioner and he has been issued with a grant.

c) That there is no one interested to be a legal representative of the interested party who in any case is not a compulsory party and his family has declined to take up the grant as legal representative

d) That this application is necessary to expedite the hearing of the matter

It transpired during hearing that the Interested Party was removed from the proceedings by consent on 26.11.2012. The parties, by consent, as the court to allow prayer 1.

In the circumstances, prayer 1 is allowed with costs to be in the cause.

Delivered in open court at Meru this 15th day of October, 2014 in the presence of:

Cc Lilian/Daniel

Kiongo for Respondents

Ndubi for Interested Party

Gikunda Anampiu for Petitioners.

P. M. NJOROGE

JUDGE