

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT EMBU

Succession Cause 2 of 2004

IN THE MATTER OF THE ESTATE OF MUTHUMA GITHINJI.....DSD

KARIMI MUTHUMA.....RESPONDENT/DECEASED

VERSUS

JOSEPH NGOMBIA KIBARA.....APPLICANT

JOYCE WANJA NJOGU.....1ST RESPONDENT

WANJIRA NJOGU.....2ND RESPONDENT

RULING

The Application before me is wrongly intituled as is pits a deceased Karimi Muthuma Respondent/Deceased –versus

Joseph Ngombia Kibara- Applicant

Joyce Wanja Njogu- 1st Respondent

Wanjira Njogu - 2nd Respondent

I have agonized as to whether I should proceed to determine the same on its merits but I strongly feel that the defect renders it fatally defective and it having been filed by a qualified advocate, it should not be allowed to proceed the way it is.

Even as I strike it out, I invite counsel for the applicant to note that his annexure “**JNK III**” does not have a valid date and it may not be of much help to him. I accordingly strike out this application with orders that each party bear its own costs.

W. KARANJA

JUDGE

Delivered, signed and dated at Embu this 2nd day of Nov 2009

In presence of:-N/A by either party