

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

CORAM: OMOLO, J.A. (IN CHAMBERS)

CIVIL APPLICATION NO. NAI 277 OF 1997

BETWEEN

EVAN NGUGI KINYANJUIAPPLICANT

AND

PHILLIS MBUTE

MARARO KAMAU

JAMES MBUGUA MBUTE

MUIRURI KAMAU

CHARLES MUITA KAMAU

ESTHER NYAMBURA KAMAURESPONDENTS

**(An application for substitution in an intended appeal from a
judgment of the High Court of Kenya at Nairobi (O'Kubasu
J) dated 7th June, 1993**

in

H.C.C.S. NO. 3788 OF 1988)

R U L I N G

I do not think there is any valid reason for the opposition by the respondents. The applicant, Evan Ngugi Kinyanjui is the son of Kinyanjui Kamau who has died. The applicant has obtained a limited grant to enable him prosecute the impending appeal. In those circumstances, he is the legal representative of his deceased father, at least for the purposes of the pending appeal.

Accordingly, I allow this application and order that Evan Ngugi Kinyanjui be and is hereby substituted in place of his deceased father Kinyanjui Kamau. The costs of this application shall be in the intended appeal. These are my orders.

Dated and delivered at Nairobi this 5th day of February, 1998.

R. S. C. OMOLO ----- JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR

