



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 81 OF 2015 (OS)

IN THE MATTER OF THE ESTATE OF M'IKIUGU M'MWIRICHIA alias KIUGU MWIRICHIA (DECEASED)

JUSTIN THIORA KIUGU.....1ST APPLICANT

DAVID KUBANIA KIUGU.....2ND APPLICANT

JULIUS KATHURIMA KIUGU.....3RD APPLICANT

AYUB MWITI KIUGU.....4TH APPLICANT

EDWARD MAITETHIA KIUGU.....5TH APPLICANT

VERSUS

JOYCE NKATHA KIUGU...RESPONDENT (DECEASED)

RULING

1. In the application dated and filed on 21.11.2018, applicant, one Justus Thiora Kiugu seeks the following orders:

(i) Spent.

(ii) That an order be issued directing the manager ABC Bank Meru branch to release funds in the names of the joint account of Justus Thiora Kiugu and Lawrence Kiautha Arithi to one Justus Thiora Kiugu.

(iii) That the manager of ABC – Bank Meru branch to close the account held in the joint names of Justus Kiugu and Lawrence Kiautha Arithi after releasing all the funds to one Justus Thiora Kiugu.

2. The application is supported by the grounds on the face of the application and in his supporting affidavit.

3. I have perused the file. I find that one party Joyce Nkatha, the first respondent passed on (on 28.10.2018). She has not been substituted. I am reluctant to issue any orders in absence of substitution or withdrawal of the case against the said party.

4. I hence decline to grant any orders at this stage. However, this court is ready to hear the matter expeditiously.

5. The application is dismissed with no orders as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 25TH DAY OF APRIL, 2019

IN THE PRESENCE OF:-

C/A: Kananu

1st applicant

Kaburu for 2nd defendant/respondent

HON. LUCY. N. MBUGUA

ELC JUDGE