

**IN THE COURT OF APPEAL
AT NAKURU**

(CORAM: MATIVO, JA (IN CHAMBERS))

CIVIL APPEAL (APPLICATION) NO. NAK 58 OF

2018 BETWEEN

GEOFFREY BORO THUO

(suing as the legal administrator of the estate
of the late Peris Njeri Thuo.....

APPLICANT

AND

JOYCE MUNGAI (*suing as a co-administrator of the estate
of the late Hannah Wanjiku Mungai.....*

RESPONDENT

*(Being an application from the judgment of the High Court of
Kenya at Nakuru (J. Mulwa, J.) dated 2nd March 2017
in*

HCCC. No.203 of 2007).

RULING

1. The applicant in his application dated 14th November 2025 prays for orders that Peris Njeri Thuo (deceased) be substituted with Geoffrey Boro Thuo as a respondent in this appeal. The grounds in support of the application are enumerated in the applicant's supporting affidavit annexed to the application dated 14th November 2025. Annexed to the application is the death certificate of the late Peris Njeri Thuo showing that she died on 24th January 2023. Even though the applicant states that he obtained a limited grant, the same has not been annexed to the application,

therefore, it is not possible for this Court to ascertain whether the applicant has the legal capacity to be substituted as the deceased's legal representative.

2. On record is a consent letter dated 16th February 2026 signed by counsel for both parties agreeing by consent that the period be extended as prayed and that the costs of the application be in the cause.
3. Accordingly, the application dated 14th November 2025 is allowed by consent of the parties. Peris Njeri Thuo (deceased) be and is hereby substituted with Geoffrey Boro Thuo as a respondent in this appeal. Costs in the cause.

Dated and delivered at Eldoret this 19th February, 2026.

J. MATIVO

.....
**. JUDGE OF
APPEAL**

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

Signed.

DEPUTY REGISTRAR