

**IN THE COURT OF
APPEAL AT NAIROBI**

(CORAM: L.M. NDOLO, JA (IN

CHAMBERS) CIVIL APPLICATION NO.

E183 OF 2024 BETWEEN

PRAVIN GALOT.....APPLICANT

AND

MANCHESTER OUTFITTERS LIMITED.....1ST RESPONDENT

MOHAN GALOT 2ND

RESPONDENT RAJESH GALOT

3RD RESPONDENT ESTATE OF GANESHLAL GALOT.....

..... 4TH RESPONDENT

**KEVIN GALOT 5TH
RESPONDENT**

**MANCHESTER OUTFITTERS
(EAST AFRICA) LIMITED 6TH
RESPONDENT**

GALOT LIMITED 7TH

**RESPONDENT THE ESTATE OF LALCHAND
PUSHARAM GALOT 8TH RESPONDENT**

CONSOLIDATED WITH

CIVIL APPLICATION NAI. E185 OF 2024

BETWEEN

RAJESH GALOT.....APPLICANT

AND

MANCHESTER OUTFITTERS

**LIMITED1ST
RESPONDENT**

**PRAVIN GALOT 2ND
RESPONDENT**

**ESTATE OF GANESHLAL
PUSHARAM GALOT 3RD
RESPONDENT**

**KEVIN GALOT 4TH
RESPONDENT MANCHESTER OUTFITTERS
(EAST AFRICA) LIMITED 5TH
RESPONDENT**

**MOHAN GALOT 6TH
RESPONDENT**

(Being an application for substitution of Mohan Galot (deceased) pursuant to grant of letters of administration ad litem dated 5th July 2025 and amended on 11th December 2025)

RULING

1. On 15th December 2025, Civil Application No. E183 of 2024 as consolidated with Civil Application No. NAI E185 of 2024 was placed before a full bench of this Court. What was coming up for hearing on that date was an application for stay of execution and further proceedings, pending the hearing and determination of an intended appeal, from the ruling and orders of the High Court at Nairobi (Mutende, Thande, JJ & Mwita, J (as he then was) delivered on 11th April 2024, in HCCC No 55 of 2012.
2. At that appearance, counsel informed the Court that, Mohan Galot, the 2nd respondent in Civil Application No. E183 of 2024 and 6th respondent in Civil Application No. E185 of 2024, was deceased and that an application for his substitution, pursuant to **rule 102** of the Rules of the Court had been filed.

3. The Court therefore stood over the application for stay of execution and further proceedings, to enable disposal of the application for substitution. It is that latter application, which

is the subject of this ruling, dispensing with Civil Application No. E183 of 2024 as consolidated with Civil Application No. NAI E185 of 2024.

4. The application is brought by way of notice of motion dated 11th December 2025, seeking substitution of Mohan Galot with the legal representative of the Estate of Mohan Galot.
5. The application is supported by an affidavit sworn by Rajesh Galot and is premised on the grounds that; Mohan Galot died on 8th June 2025; the High Court in Succession Cause No E544 of 2025, issued grant of letters of administration *ad litem* on 5th July 2025 and amended the grant on 11th December 2025, to include, inter alia, Civil Application No. E183 of 2025 and E185 of 2025.
6. The application is brought under **rule 102(1)** of the Court of Appeal Rules which provides as follows:

(1) An appeal shall not abate on the death of the appellant or respondent but the Court shall, on the application of any interested person, cause the legal representative of the deceased person to be made a party in place of the deceased.

7. In his submissions in support of the application, the applicant cited the decision of this Court in **Ngari vs. Muriithi (deceased) substituted by Wanjira Ngari & Another, Civil Appeal (Application) No. 140 of 2018** where it was affirmed that any

person with an interest in an appeal can move the Court for orders of substitution.

8. Avin Galot who is named as the legal representative of the Estate of Mohan Galot opposes the application by his replying affidavit sworn on 20th February 2026. Avin Galot, who describes himself as a director of Manchester Outfitters Limited and son of the deceased, terms the present application as incompetent.
9. He accuses the applicant of usurping his power to apply for substitution of his late father in these proceedings. He further questions the authenticity of the order from the superior court relied on by the applicant.
10. Avin Galot however depones that he possesses the legal authority to represent his deceased father in these proceedings. In fact, his only grievance is that the applicant moved the Court for substitution before him.
11. A reading of **rule 102(1)** of the Rules of this Court indicates that an application for substitution can be made by any person who has an interest in the subject proceedings. The applicant in the consolidated application has a direct interest in the proceedings and there can be no legal basis to disallow the application because the Court was moved by a party other than the legal representative of the deceased.

- 12. Regarding the allegations that the order relied upon did not properly originate from the superior court, the only thing to say is that no evidence was adduced to support these allegations.

- 13. In the result, the application for substitution of Mohan Galot with the legal representative of the Estate of Mohan Galot being, Avin Galot is allowed with costs in the appeal.

Dated and delivered at Nairobi this 6th day of March, 2026.

L.M. NDOLO

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JUDGE OF APPEAL

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

Signed
DEPUTY REGISTRAR

