



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CIVIL CASE NO. 232 OF 2012

MICHAEL KARIUKI GACHENGA1ST APPLICANT

DAMARIS NYAMBURA KIMUHU.....2ND APPLICANT

VERSUS

WANGUI JOHN KIMUHURESPONDENT/PLAINTIFF

RULING

1. The Application before me is a Notice of Motion Application dated 2nd, December 2025 where the Applicants Seek the following Relief(s);
 - i. **SPENT**
 - ii. **The firm of Masore Nyang'au & Co. Advocates be granted leave to come on record for the Defendant in place of Rubua Ngure & Co. Advocates.**
 - iii. **Michael Kariuki Gachenga and Damaris Nyambura Kimuhu, the personal representatives of the deceased Defendant be made parties to this case in place of the Defendant who is now deceased.**
 - iv. **The court orders the arrest and detention of the Plaintiff for disobeying the order of the court given in this case on the 23rd, April 2015.**

- v. In the alternative to the arrest and detention of the Plaintiff, then her assets be attached to defray the sum of Kshs.2,790,000.00 the Applicants have used to defend unnecessary suits the Plaintiff has filed in other courts arising out of the consent recorded in this court.**
 - vi. The court is requested to make such other or further orders to execute the order made in this court on the 23rd, April 2015.**
- 2. The Application is undefended despite being duly served upon the Respondent counsel.
- 3. This is a post-judgment interlocutory Application by personal representatives of the Deceased Defendant- **John Kagai Gachenga** who died on the 17th December 2015 for the sole purpose of enforcing a consent order 23rd, April 2015.
- 4. Having considered the Application, the Applicants written submissions, the court appreciates that, the dispute determined in judgment was a family dispute and that enforcing the consent order shall result in the settlement of the dispute at hand, this court is thus inclined to allow the Application as undefended on the following terms;
 - i. The firm of Masore Nyang'au & Co. Advocates is hereby granted leave to come on record for the Defendant in place of Rubua Ngure & Co. Advocates.**

**ii. Michael Kariuki Gachenga and Damaris Nyambura Kimuhu,
are hereby substituted in place JOHN KAGAI GACHENGA
the deceased Defendant.**

5. I shall not grant costs this being a family dispute.

It is So Ordered.

**Signed, Delivered Virtually on Teams platform
On this 16th April 2026**

**Mohochi S.M
Judge**