



Kinyua v Makanga; Kinyua (Applicant) (Civil Appeal (Application) E164 of 2022) [2025] KECA 599 (KLR) (28 March 2025) (Ruling)

Neutral citation: [2025] KECA 599 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CIVIL APPEAL (APPLICATION) E164 OF 2022
S OLE KANTAI, JA
MARCH 28, 2025**

BETWEEN

PERIS WANJIRA KINYUA APPELLANT

AND

EPHANTUS KARANI MAKANGA RESPONDENT

AND

GIBSON MURAGE KINYUA APPLICANT

(An application for leave to substitute in Civil Appeal No. E164 of 2022)

RULING

1. In the Motion said to be brought under rules 44(1) and 102 of the *Court of Appeal Rules* the applicant Gibson Murage Kinyua prays that I be pleased to substitute the name of the appellant Peris Wanjira Kinyua (deceased) with him. In grounds in support of the Motion and in his supporting affidavit he says that the appellant died on 9th April, 2023; that he is her surviving son; that the appeal survives the deceased appellant and that he would suffer irreparable prejudice if the order is not granted. Attached to the application is a Certificate of Death in respect of the deceased and letters of administration ad litem in respect of the estate.
2. I have seen hearing notice dated 7th March, 2025 at 12.13 p.m. to maguaassociates@gmail.com, mogusulugard@yahoo.com and ireneciru @rocketmail.com where parties were notified of hearing date and required to file written submissions. I have seen and considered written submissions filed by the applicant. The applicant tells me that he is the son of the appellant who died on 9th April, 2023; that the appeal survives her. I am satisfied that the application is merited and I allow it.
3. Gibson Murage Kinyua is hereby substituted in place of the appellant Peris Wanjira Kinyua who has since died. I make no order on costs.



DATED AND DELIVERED AT NYERI THIS 28TH DAY OF MARCH, 2025.

S. ole KANTAI

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

