



REPUBLIC OF KENYA



**Kinyanjui v Gatihuri & 2 others (Of the Estate of Peter Gatihuri Kiragu - Deceased)
(Civil Appeal (Application) 101 of 2019) [2025] KECA 967 (KLR) (23 May 2025) (Order)**

Neutral citation: [2025] KECA 967 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) 101 OF 2019
F SICHALE, JA
MAY 23, 2025**

BETWEEN

STEPHEN GATHUKU KINYANJUI APPLICANT

AND

JULIA WANJIRU GATIHURI 1ST RESPONDENT

SAVIO NDUNGU GATIHURI 2ND RESPONDENT

PAUL GATHIACA GATIHURI 3RD RESPONDENT

OF THE ESTATE OF PETER GATIHURI KIRAGU - DECEASED

*(Being an Application for Substitution of the Respondent
pursuant to Rule 87 (1) of the Court of Appeal Rules, 2022)*

ORDER

1. The applicant Stephen Gathuku Kinyanjui who is in person had by the motion on notice dated 24th February 2025, brought under Rule 44 (1) & 2, Rule 45 (a), Rule 49 (1) and Rule 87 (1) of the Court of Appeal Rules 2022, urged this Court sitting as a Single Judge to substitute Julia Wanjiru Gatihuri, Savio Ndungu Gatihuri and Paul Gathiaca Gatihuri as the new respondents in this matter in place of Peter Gatihuri Kiragu now deceased.
2. The motion came up hearing on 5th May 2025 and the Court slated the same for ruling on 23rd May 2025. Upon further perusal of the file, the Court noted that vide a hearing notice served on the applicant and the then advocates for the deceased respondent on 28th April 2025, the applicant was directed to serve a copy of the hearing notice on the respondents and thereafter file an affidavit of service evidencing service.
3. Upon further perusal of the record, the Court noted that the applicant had not complied with directions issued by the Court in the said hearing notice.



4. In view of the above, the registry is directed to relist the matter on a priority basis and issue and serve the applicant with a fresh hearing notice. The applicant will in turn effect service of the hearing notice on the respondents and file an affidavit of service to that effect.

MADE AT NAIROBI THIS 23RD DAY OF MAY, 2025.

F. SICHALE

JUDGE OF APPEAL

