



**Ngatu & another (Administrators of the Estate of Gicheru Mbatia
(Deceased)) v Kuria & another; Mwaura (Applicant) (Civil Appeal
(Application) E607 of 2024) [2025] KECA 906 (KLR) (23 May 2025) (Order)**

Neutral citation: [2025] KECA 906 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E607 OF 2024
F SICHALE, JA
MAY 23, 2025**

BETWEEN

**JENNIFFER MUTHONI NGATU 1ST APPELLANT
PETER MBATIA GICHERU 2ND APPELLANT
ADMINISTRATORS OF THE ESTATE OF GICHERU MBATIA (DECEASED)**

AND

**JAMES KIMANI KURIA 1ST RESPONDENT
JOSEPH KIBIRU MBATIA 2ND RESPONDENT**

AND

ALICE WANJIKU MWAURA APPLICANT

*(Being an Application for Substitution of the deceased 1st
Respondent pursuant to Rule 102 of the Court of Appeal Rules, 2022)*

ORDER

1. Upon this matter coming up for hearing of the applicant's motion dated 19th February 2025, for substitution of the deceased 1st respondent on 6th May 2025, the Court slated the same for ruling on 23rd May 2025.
2. Upon further perusal of the record, the Court noted that there was no response on the part of the appellant and the 2nd respondent and there was no proof of service of the motion upon the appellant and the 2nd respondent.



3. In view of the above, the motion is to be relisted afresh by the registry upon proof of service of the motion upon the appellant and the 2nd respondent.

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

F. SICHALE

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR.

