



REPUBLIC OF KENYA



KENYA LAW
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**Gitonga & 2 others v Machakos Ranching Company Limited (Civil Appeal
(Application) 103 of 2017) [2022] KECA 155 (KLR) (18 February 2022) (Ruling)**

Neutral citation: [2022] KECA 155 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) 103 OF 2017
HM OKWENGU, JA
FEBRUARY 18, 2022**

BETWEEN

JANE WANJIRU GITONGA 1ST APPELLANT

WAMBUA MWITHI KILOVOO 2ND APPELLANT

AND

MONICA KANINI WAMBUA APPLICANT

AND

MACHAKOS RANCHING COMPANY LIMITED RESPONDENT

*(Application under Rule 99 of the Court of Appeal Rules, 2010 for
substitution of the 2nd appellant in Civil Appeal No. 103 of 2017)*

RULING

1. By a notice of motion brought under Rule 99 of the *Court of Appeal Rules*, the applicant Monica Kanini Wambua seeks to be substituted as a personal representative of her late husband, Wambua Mwithi Kilovoo (deceased) who is the 2nd appellant in Civil Appeal No. 103 of 2017. The deceased died on 7th February, 2021 and the applicant obtained a Limited Grant Ad Litem on 9th August, 2021 to enable her proceed with the appeal.
2. The respondent though served, did not file any reply to the applicant's motion. In the circumstances the motion stands unopposed and the same is granted as prayed.

Costs shall be in the cause.

DATED AND DELIVERED AT NAIROBI THIS 18TH DAY OF FEBRUARY, 2022.

HANNAH OKWENGU



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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR

