



Mueni v Gakunga & another; Kinyanjui (Applicant) (Civil Appeal (Application) 140 of 2017) [2022] KECA 140 (KLR) (18 February 2022) (Ruling)

Neutral citation: [2022] KECA 140 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) 140 OF 2017
HM OKWENGU, JA
FEBRUARY 18, 2022**

BETWEEN

BETH MUENI APPELLANT

AND

JOHN KINYANJUI GAKUNGA 1ST RESPONDENT

JOHN MUINDE GAKUNGA 2ND RESPONDENT

AND

FREDRICK M. NJOROGE KINYANJUI APPLICANT

((Application Rule 85(2) of the Court of Appeal Rules and sections 1B and 3A of the Civil Procedure Act for substitution of the 1st respondent in Civil Appeal No. 140 of 2017))

RULING

1. By a notice of motion which is undated, Fredrick M. Njoroge Kinyanjui has moved this Court for an order under Rule 85(2) of the Court of Appeal Rules and sections 1B and 3A of the [Civil Procedure Act](#), to be substituted and made a party in place of John Kinyanjui Gakunga.
2. The applicant has sworn a supporting affidavit to which he has annexed a death certificate showing that John Kinyanjui Njuguna alias John Kinyanjui Gakunga who is the 1st respondent in the suit died on 15th March, 2020. He has also annexed Letters of Administration Ad litem issued to him on 12th July, 2021 limited for purposes of filing and prosecuting a suit.
3. The motion came before me for hearing by way of written submissions without the presence of the parties. Although the appellant/respondent was served with a hearing notice, he has not filed any reply to the motion. In the circumstances, the application stands unopposed. The applicant having satisfied this Court that the 1st respondent is deceased, and that he has a limited grant for purposes of this suit, I hereby grant the motion as prayed.



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

