



REPUBLIC OF KENYA



KENYA LAW
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**Awuor v Onyango & another (Civil Application 57 of 2020)
[2022] KECA 627 (KLR) (8 July 2022) (Ruling)**

Neutral citation: [2022] KECA 627 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CIVIL APPLICATION 57 OF 2020**

PO KIAGE, J

JULY 8, 2022

BETWEEN

JOSHUA OMONDI AWUOR APPLICANT

AND

WALTER MBOYA ONYANGO 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

*(Application under Rule 99 of the Court of Appeal Rules, 2010
For substitution of the plaintiff in Kisumu HCCC No. 17 of 2008)*

RULING

1. The motion dated October 29, 2021 is brought under Rule 99(1) of the [Court of Appeal Rules](#). The applicant also cites provisions of Order 24 of the [Civil Procedure Rules](#). The latter rules are of no application to the matter at hand and I shall duly ignore them.
2. The motion seeks to substitute the appellant, Elisha Juma Owuor, who expired on June 29, 2020 as attested to by the Permit for burial annexed to the supporting affidavit of the applicant Joshua Omondi Awuor, the appellant's brother.
3. Vide a letter dated April 30, 2022, the 1st respondent's counsel Mr. Isaac E.N. Okero indicated that they are not opposed to the application.

In the circumstances, I allow the motion with no orders as to costs.

Orders accordingly.

DATED AND DELIVERED AT KISUMU THIS 8TH DAY OF JULY, 2022.

P.O. KIAGE



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JUDGE OF APPEAL

I certify that this is a true
copy of the original

Signed

DEPUTY REGISTRAR

