



In re Estate of Daniel Toroitich Arap Moi (Deceased) (Civil Appeal (Application) 181 of 2017) [2022] KECA 1159 (KLR) (18 October 2022) (Ruling)

Neutral citation: [2022] KECA 1159 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CIVIL APPEAL (APPLICATION) 181 OF 2017
LK KIMARU, JA
OCTOBER 18, 2022**

(A NOTICE OF MOTION UNDER ARTICLE 159 (D) OF THE CONSTITUTION OF KENYA, 2010, SECTION 3A AND 3B OF THE APPELLATE JURISDICTION ACT, RULES 51 (4), 99 (3) OF THE COURT OF APPEAL RULES, 2010)

BETWEEN

(ZEINABU) JANMOHAMED (SENIOR COUNSEL APPLICANT

AND

JOSEPH LEKAMARIO & OTHERS RESPONDENT

RULING

1. Zehrabanu (Zainabu) Janmohamed (SC), the personal representative of Daniel Toroitich Arap Moi (deceased) who was the 2nd respondent in an appeal pending before this court ie Civil Appeal No 38 of 2016 Joseph Lekamario & others v African Wildlife Foundation & 2 others filed this application pursuant to the then **Rule 99 (3) (now Rule 102 (3))** of the Court of Appeal Rules seeking to be substituted as the 2nd Respondent in the place of the now deceased Respondent. The application was not opposed. Indeed, a consent has been filed in Court urging this Court to allow the application for substitution as prayed by the Applicant.
3. In the premises therefore, the application is allowed on the following terms:
 1. **Zehrabanu (Zeinabu) Janmohamed (SC) is hereby allowed to substitute Daniel Toroitich Arap Moi (deceased) as the 2nd respondent in the above appeal.**
 2. **There shall be no orders as to costs.**

DATED AT NYERI THIS 18TH DAY OF OCTOBER, 2022.

L. KIMARU

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

