



**Muongi & another v Muchiri (Civil Appeal (Application)  
299 of 2019) [2022] KECA 1253 (KLR) (7 November 2022) (Ruling)**

Neutral citation: [2022] KECA 1253 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL (APPLICATION) 299 OF 2019  
LK KIMARU, JA  
NOVEMBER 7, 2022**

**BETWEEN**

**LEONARD MWAURA MUONGI ..... 1<sup>ST</sup> APPELLANT**

**PATRICK MUNYUI MUONGI ..... 2<sup>ND</sup> APPELLANT**

**AND**

**FREDRIKA MUKONOIRI MUCHIRI ..... RESPONDENT**

*(Being an appeal against the ruling of the High Court of Kenya (W. Musyoka, J.) dated 15th February, 2019 in Nairobi HC Succession Cause No. 526 of 2006)*

**RULING**

1. The 1<sup>st</sup> appellant, Leonard Mwaura Muongi (deceased), died on 28<sup>th</sup> May, 2020. A death certificate has been annexed to the affidavit in support of the application as proof of the deceased's death. The deceased's widow, Rahab Waithera Mwaura obtained limited grant of Letters of Administration Ad Litem issued by the Kiambu Chief Magistrate's Court in Probate and Administration Cause No. 274 of 2020 on 27<sup>th</sup> August, 2020.
2. The widow has, pursuant to Rule 102(2) of the Court of Appeal Rules, 2022 made an application to substitute the deceased, 1<sup>st</sup> appellant in the appeal. The application was filed before this Court on 10<sup>th</sup> March, 2021. This was within one year stipulated by Rule 102(1) of the Court of Appeal Rules, 2022. The application is unopposed. That being the case, the same is allowed in the following terms:
  - i) Rahab Waithera Mwaura is hereby granted leave to substitute Leonard Mwaura Muongi (who is deceased), as the 1st appellant in the appeal.
  - ii) There shall be no orders as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 7TH DAY OF NOVEMBER, 2022.**



**L. KIMARU**  
**JUDGE OF APPEAL**

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*I certify that this is a True copy of the original*

*Signed*

**DEPUTY REGISTRAR**

