



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: MURGOR, J.A. (IN CHAMBERS))

CIVIL APPEAL NO. 37 OF 2016

BETWEEN

STANLEY MBIUKI.....APPLICANT

AND

1. DIRECTOR, LAND ADJUDICATION

2. MURATHA MICHEU.....RESPONDENTS

(An appeal from the judgment of the High Court of Kenya at Nairobi (W. Korir, J.) dated 19th March 2015

in

H.CC. JR No. 37 of 1984)

RULING

This Notice of Motion dated 5th May 2020 expressed to have been made under **rule 99(1)(2)** and **3** of the Court of Appeal Rules seeks orders, for;

“That the Honourable Court be pleased to substitute the appellant Stanley Mbiuki with Bernard Baithumbi Kararwa.”

The application is premised on the grounds that the appellant died on 27th August 2020 and that a Limited Grant of Representation was issued to Bernand Gaithumbi Kararwa on 2nd January 2020. The application is supported by the affidavit of Bernand Gaithumbi Kararwa sworn on 5th May 2020.

Notwithstanding that the respondents were served with a Notice of today’s hearing date on 17th October 2020, they have neither filed a replying affidavit nor submissions in respect of the motion.

Nevertheless, given the circumstances of the application, it is allowed and I grant the order of substitution sought. That costs thereof shall abide the outcome of the appeal.

Dated and delivered at Nairobi this 23rd day of October, 2020

A.K. MURGOR

.....

JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR