



IN THE COURT OF APPEAL

AT NAIROBI

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

CIVIL APPEAL NO. 106 OF 2020

BETWEEN

DANIEL KAHARA WAKIGO ..... APPELLANT

AND

SALOME WANGUI CHEGE .....1ST RESPONDENT

THE PUBLIC TRUSTEE.....2ND RESPONDENT

*(An appeal from the ruling and order of the Environment and Land Court at Nairobi (Komingoi, J.) dated 11th December, 2019*

*in*

*E.L.C No. 1 of 2018)*

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**RULING**

The motion dated 25th September 2020 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.

The motion seeks to substitute the appellant **Daniel Kahara Wakigo** who expired on 5th May 2020 as attested to by the Certificate of Death annexed to the supporting affidavit of the applicant **Naomi Wairimu Kahara**, the appellant’s widow.

The motion is not opposed as no replying affidavit has been filed by the respondent. There really is no reason for opposition anyway.

The motion having been brought in timely fashion, and being satisfied that the widow **Naomi Wairimu Kahara**, who holds a limited grant of letters of administration issued to her in Nairobi HCF P&A/E770/2020, is the legal representative of the appellant, I allow the motion with no orders as to costs.

Orders accordingly.

**Dated and delivered at Nairobi this 18th day of December, 2020.**

**P. O. KIAGE**

.....

**JUDGE OF APPEAL**

*I certify that this is a true*

*copy of the original.*

*Signed*

**DEPUTY REGISTRAR**