



REPUBLIC OF KENYA  
IN THE COURT OF APPEAL  
AT NAKURU  
CORAM: KEIWUA J.A (IN CHAMBERS)  
CIVIL APPEAL NO. 282 OF 1998  
BETWEEN  
**PETER MACHARIA .....** **APPELLANT**  
AND  
**THE ATTORNEY GENERAL)**  
**KIPSINENDE FARM LIMITED ) .....** **RESPONDENTS**

(Appeal against the Ruling of the High Court of Kenya at  
Nakuru(Mr. Justice Rimita) dated 14th July, 1998  
in  
H.C.C NO. 278 OF 1996)

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R U L I N G

In my first ruling in this application on the informal application of the applicant to file a supplementary affidavit, I drew attention to the fact that the applicant conceded that both the grant of letters of administration and the limited grant have an additional name which is not in the appeal which the applicant seeks her name to be substituted in place of the deceased.

In my judgment that is an untenable situation where the applicant relies on documents made in names completely different from the names in the appeal the applicant seeks to be allowed to take over. I therefore decline to grant the orders sought in the application dated February 19, 2001. The respondent to have the costs of that application.

**Dated and delivered at Nakuru on September 25, 2001.**

M. OLE KEIWUA

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JUDGE OF APPEAL

