

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA

AT NYERI

CAUSE NO. 85 OF 2017

NAFTARY KARUME GICHERU (DECEASED).....CLAIMANT

MARY NJOKI MUU.....APPLICANT

VERSUS

THE BOARD OF MANAGEMENT

GATONDO GIRLS SECONDARY SCHOOL.....RESPONDENT

RULING

1. The widow of the Claimant seeks to be substituted in place of the Claimant (now deceased). She has taken out letters of administration *ad colligenda bona* in respect of the estate of the deceased. The deceased was seeking recompense from the Respondent his erstwhile employer. On the substantive law which is the Law Reform Act, the cause of action in relation to the breach of contract asserted in the claim survives and therefore the suit did not automatically abate on the demise of the Claimant.

2. In the premises her motion to be substituted in place of her deceased husband is merited and her motion is granted with costs being costs in the cause. After the delivery of this Ruling directions will be taken for the purposes of procuring the conclusion of the suit.

It is so ordered.

Dated and delivered at Nyeri this 12th day of July 2019

Nzioki wa Makau

JUDGE

I certify that this is a true copy of the Original

Deputy Registrar