



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERUGOYA**

**MISC. SUCCESSION CAUSE NO. 89 OF 2013**

**MBOGO GIKUNJU alias MBOGO THEYA-DECEASED**

**NELSON GACHOKI MURAGE alias**

**GACHOKI MURAGE.....APPLICANT**

**STEPHEN MWANGI MURIITHI.....1<sup>ST</sup> RESPONDENT**

**NELSON DOUGLAS KABUI.....2<sup>ND</sup> RESPONDENT**

**VERSUS**

**STANLEY MIGWI NJOROGE.....DEFENDANT(DECEASED)**

**ESTHER WAMBAIRE.....INTENDED SUBSTITUTE**

**RULING**

1. On 17<sup>th</sup> December, 2019, the court was informed by the Applicant's Advocates that one of the Applicants was deceased, and sought time to apply for substitution of the deceased Applicant. The Respondents were aware of the death. The court allowed the Applicant to move and substitute the dead party and gave a mention date to confirm the substitution on the 24<sup>th</sup> March, 2020.

2. On 3<sup>rd</sup> February, 2021, Ms. Wambui Advocate for the Applicants appeared before me, but the Respondents did not despite having been served with a notice for mention. She sought orders on the **Application dated 26<sup>th</sup> July, 2020** supposedly for the substitution of the deceased party upon which I gave a ruling date for the application.

3. I have perused the court file keenly. I am unable to trace the said application dated 26/7/2020 nor any responses by the respondents. In the premises, I opine that the best way out is for the Applicants to provide the court with a stamped copy and the payment receipt of court fees and all responses if any, to enable it to give a further hearing date for the said application and or an order of substitution if it was ever made by the court.

**DATED AND SIGNED THIS DAY OF 2021**

**J. N. MULWA**

**JUDGE**

**DATED AND DELIVERED AT KERUGOYA THIS 14<sup>TH</sup> DAY OF DECEMBER 2021**

**R. MWONGO**

**JUDGE**



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