

REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
AT NAIROBI

(Coram: Maraga CJ &P, Mwilu DCJ & VP, Ibrahim, Wanjala, & Lenaola SCJJ)

PET (APPLICATION) NO. 10 OF 2018

LEAH WAITHIRA NJENGA.....APPLICANT/PETITIONER

-VERSUS-

REPUBLIC.....1ST RESPONDENT

MINISTER FOR LAND & SETTLEMENT.....2ND RESPONDENT

COMMISSIONER OF LANDS.....3RD RESPONDENT

A.S WAWERU.....4TH RESPONDENT

(Being an appeal arising from the Judgment of the Court of Appeal given at Nairobi on 4th May 2018 in Civil Appeal No. 269 of 2013).

R U L I N G

[1] We have an application dated 6th December 2018 and filed in Court on 10th December 2018 for orders that Jacob Njenga Muiruri and Mark Kamau Njenga, the widower and son of Leah Waithira Njenga (the deceased), respectively, and the legal representative of the deceased's estate be enjoined in this matter as the 1st and 2nd Petitioners in place of the deceased together with the costs of the application.

[2] The facts of this case are that the deceased instituted an appeal before this Court on 18th June, 2018. Unfortunately, she passed away on the 3rd of August 2018. Jacob Njenga Muiruri and Mark Kamau Njenga (the applicants/intended petitioners) have applied to be enjoined in this appeal in place of the deceased. Upon their application, on 7th November 2018, the

High Court at Nyahururu granted them letters of administration *ad litem* for the purposes of their joinder in this appeal in place of the deceased.

[3] Despite service, the 1st to 3rd Respondents have not responded to this application. Though he has also not put in any written response, when the matter came up for mention on 10th January 2019 before the Deputy Registrar, the 4th Respondent attended and stated that he has no objection to this application.

[4] In the circumstances, and there being no objection to the application, the same is hereby allowed with no order as to costs.

It is so ordered.

DATED and DELIVERED at NAIROBI this 29th day of April, 2019.

.....
D.K. MARAGA
CHIEF JUSTICE & PRESIDENT
SUPREME COURT OF KENYA

.....
P.M. MWILU
DEPUTY CHIEF JUSTICE & DEPUTY
PRESIDENT OF SUPREME COURT

.....
M. IBRAHIM
JUSTICE OF THE SUPREME COURT

.....
S. WANJALA
JUSTICE OF THE SUPREME COURT

.....
I. LENAOLA
JUSTICE OF THE SUPREME COURT

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

REGISTRAR
SUPREME COURT OF KENYA