



Omare v Ombuna; Ombuna & another (Applicant) (Environment and Land Appeal 3 of 2022) [2023] KEELC 20827 (KLR) (18 October 2023) (Ruling)

Neutral citation: [2023] KEELC 20827 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISII
ENVIRONMENT AND LAND APPEAL 3 OF 2022**

M SILA, J

OCTOBER 18, 2023

BETWEEN

NICHOLAS ONYONI OMARE APPELLANT

AND

CHARLES OMBUNA RESPONDENT

AND

HELLEN OMBUNA APPLICANT

MARY OMBUNA NYANGARA APPLICANT

RULING

1. The application before me is that dated 26 July 2023 filed by Hellen Ombuna and Mary Ombuna Nyangara. They seek orders to substitute Charles Ombuna, the respondent in this appeal, on the ground that he is now deceased. The supporting affidavit is sworn by the 1st applicant who avers to be the wife of the deceased. She has annexed the grant of letters of administration ad litem. The application is not opposed.
2. I have considered the application. It is not in contest that the respondent is deceased. I have seen the grant of letters of administration ad litem and the same shows that Hellen Ombuna and Mary Ombuna Nyangara have been appointed as administrators ad litem of the estate of the respondent so as to proceed with this appeal.
3. Order 24 of the *Civil Procedure Rules* relates to substitution, and the provisions thereof, which apply to plaintiff and defendant, also apply to appeals as pronounced in Order 24 Rule 9.
4. Given that position, I have no reason not to allow this application and I proceed to allow it. I order the applicants to be substituted for Charles Ombuna for purposes of this appeal. There is no need for any amendment of pleadings.



5. Orders accordingly.

DATED AND DELIVERED AT KISII THIS 18 DAY OF OCTOBER 2023

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT

AT KISII

