



De Masi (The Administrator of the Estate of Dominico De Masi) v Alice Njeri Kirima, Anne Wangari Kirima, James Njiguna Kirima & (Being Sued as Court–Appointed Administrators, Trustees or Signatories of the Estate of Gerishon Kamau Kirima, Deceased) & 5 others (Environment & Land Case E187 of 2023) [2023] KEELC 22337 (KLR) (20 December 2023) (Ruling)

Neutral citation: [2023] KEELC 22337 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E187 OF 2023
LN MBUGUA, J
DECEMBER 20, 2023**

BETWEEN

BERNADO VICEZO DE MASI (THE ADMINISTRATOR OF THE ESTATE OF DOMINICO DE MASI) PLAINTIFF

AND

ALICE NJERI KIRIMA, ANNE WANGARI KIRIMA, JAMES NJIGUNA KIRIMA & (BEING SUED AS COURT–APPOINTED ADMINISTRATORS, TRUSTEES OR SIGNATORIES OF THE ESTATE OF GERISHON KAMAU KIRIMA, DECEASED) 1ST DEFENDANT
JOHN GARISHON KIRIMA 2ND DEFENDANT
THE CHIEF LANDS REGISTRAR 3RD DEFENDANT
MINISTRY OF LANDS & HOUSING 4TH DEFENDANT
DIRECTORATE OF CRIMINAL INVESTIGATIONS 5TH DEFENDANT
COUNTY GOVERNMENT OF NAIROBI 6TH DEFENDANT

RULING

1. This ruling relates to the prayers for conservatory orders sought in the application dated 12.11.2023 (prayer no 2). I have considered the arguments for and against issuance of the said orders.
2. This matter is at the infancy stage and the orders sought will certainly impact on the judgment delivered in case no 1257/14 on 23.10.2023 by a court of concurrent jurisdiction with this court.



3. I also find that the issue as to whether the proper persons have been sued relating to the estate of Kirima has been raised. This court is yet to be availed with the correct particulars regarding that issue.
4. As to the issue raised by the interested party, it is noted that the court is yet to see the nature and extent of their claim in so far as this suit is concerned. It is only after pleadings are filed can the court be well appraised of the claims of the different parties. At this stage the court declines to grant any interim orders.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF DECEMBER, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Gwandaru for Plaintiff Applicant

Nyamu for Alice Njeri

Miss Ochieng holding brief for Mr. Takor for 2nd Respondent (John)

Kiima for the County

Court Assistant: Eddel

