



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

JUDICIAL REVIEW APPLICATION NO. 18 OF 2013

REPUBLICAPPLICANT

VERSUS

NDARAGWA DIVISION LAND DISPUTES TRIBUNAL1ST RESPONDENT

SPM COURT - NYAHURURU.....2ND RESPONDENT

AND

ESHIBAN THEURI NGARIA.....INTERESTED PARTY

EX-PARTE

MURICHO RANCHING CO. LTD

AND

HANNAH WANJIKU THEURI.....APPLICANT

RULING

(Application for substitution; applicant holding letters of administration ad litem; application allowed)

1. The application before me is that dated 12 March 2015 brought inter alia under the provisions of Order 24 Rule 4(1) of the Civil Procedure Rules. The applicant, Hannah Wanjiku Theuri wishes to be substituted for the deceased interested party. The application is supported by the affidavit of the said Hannah Wanjiku Theuri and is not opposed by the respondents.

2. The suit herein is a judicial review application filed by Muricho Ranching Company Ltd as the ex-parte applicant. In the main motion, Muricho Ranching Co. Ltd want a decision of the Ndaragwa Division Land Dispute Tribunal quashed by an order of certiorari, on the contention that the said decision was made out of jurisdiction. The dispute before the Tribunal was filed by Eshiban Theuri Ngatia, who has been named in these proceedings as Interested Party and who died on 17 August 2014. At the time of his death, the suit herein had not yet proceeded.

3. In the supporting affidavit to this application, Hannah Wanjiku Theuri, has averred that upon the demise of the Interested Party, she did apply, and obtained, letters of administration ad litem limited for purposes of representing the deceased in these proceedings. I have seen the said limited grant of letters of administration which was annexed to the affidavit. Being legal representative of the deceased, the applicant is the proper party to come into the shoes of the deceased interested party.

4. As I mentioned earlier, the application is not opposed. I on my part, see no reason why I should decline the orders sought.

5. I therefore allow the application and permit the applicant, Hannah Wanjiku Theuri to be substituted for the deceased Interested Party and the proceedings to proceed on that basis.

6. I make no orders as to costs.

It is so ordered.

Dated, signed and delivered in open court at Nakuru this 21st day of April 2015.

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT

AT NAKURU

In presence of : -

Mr. Kinyua Njogu present for interested party/Applicant.

Ms. Wambui Kimani holding brief for M/s Gakuhi Chege for ex-parte applicant.

Ms. Khatambi of State Law Office present for respondent.

Emmanuel Maelo : Court Assistant

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT

AT NAKURU