



**Ngatha v Ngugi (Being the administrator of the Estate of Ngugi Waweru Munga (Deceased) & another (Environment & Land Case 722 of 2012) [2022] KEELC 15631 (KLR) (9 June 2022) (Ruling)**

Neutral citation: [2022] KEELC 15631 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE 722 OF 2012**

**LN MBUGUA, J**

**JUNE 9, 2022**

**BETWEEN**

**TIRAS KARANJA NGATHA ..... PLAINTIFF**

**AND**

**SILAS GACHUGU NGUGI (BEING THE ADMINISTRATOR OF THE ESTATE OF NGUGI WAWERU MUNGA (DECEASED) ..... 1<sup>ST</sup> DEFENDANT**

**LAND REGISTRAR, KIAMBU ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. On November 16, 2021 the court gave directions that; “By consent, the originating summons to be heard by way of affidavit evidence”. In that regard, parties were to file and serve their written submissions, thus on April 28, 2022, the court reserved a dated for Judgment( the same being June 9, 2022).
2. However, a perusal of the record reveals that the issues raised in the Originating Summons dated October 18, 2012 and the Replying Affidavit of 1st Respondent dated November 6, 2012 are moot, having substantially been dealt with vide this court’s ruling (Judge Mutungi sitting) of April 16, 2013 and June 27, 2014 and the subsequent Court of Appeal ruling dated March 24, 2017.
3. By and large, the pending issues appertains to the execution of the order of June 27, 2014 in order to bring this matter to closure. In the circumstances, this court will not deliver any judgment. Instead, I direct that the application dated June 4, 2019 be prosecuted forthwith.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9<sup>TH</sup> DAY OF JUNE, 2022 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**



**JUDGE**

**In the presence of:-**

Waweru holding brief for Juma for the Plaintiff

Kimani N for the 1st Defendant

Court Assistant: Eddel Barasa

