



REPUBLIC OF KENYA



KENYA LAW
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**Gichuru v M'murithi & 2 others (Environment & Land Case
54 of 2015) [2022] KEELC 3538 (KLR) (27 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 3538 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT & LAND CASE 54 OF 2015**

**CK NZILI, J
JULY 27, 2022**

BETWEEN

MOFFAT GICHURU PLAINTIFF

AND

M'IMANYARA M'MURITHI 1ST DEFENDANT

WILSON MWIRIGI IMANYARA 2ND DEFENDANT

KEVIN BUNDI GICHURU 3RD DEFENDANT

RULING

1. By an application dated 20.8.2020, the court is asked to grant leave for the substitution of the 2nd defendant with his son Wilson Mwirigi Manyara who possesses a limited grant of letters of administration ad litem so as to proceed with the suit.
2. The application is supported by an affidavit of Wilson Mwirigi Manyara sworn on the even date in which he has attached copies of the death certificate and the limited grant.
3. It is not in dispute the 2nd defendant passed on 14.6.2020 subsequent to which a grant was sought and obtained on 17.8.2020.
4. Order 24 Rule 4 of the *Civil Procedure Rules* provides that where one of the defendants dies and a cause of action survives, the court on an application made on that behalf shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit. Sub-rule (3) thereof provides that such an application has to be made within one year otherwise the suit shall abate against that defendant. In this suit, the application has been made within the stipulated timelines.
5. My finding therefore is that the application has merits. The same is allowed with no orders as to costs. Orders accordingly.



DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT

THIS 27TH DAY OF JULY, 2022

In presence of:

C/A: Kananu

Mukaburu for defendant

HON. C.K. NZILI

ELC JUDGE

