



REPUBLIC OF KENYA



KENYA LAW
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**Ogarao (Suing as the Legal Representative of the Estate of Ogaro Ombagi) v Onyancha & 10 others
(Environment & Land Case E004 of 2023) [2025] KEELC 4108 (KLR) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 4108 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISII
ENVIRONMENT & LAND CASE E004 OF 2023**

**M SILA, J
MAY 29, 2025**

BETWEEN

**GIBSON OMBAGI OGARAO PLAINTIFF
SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF OGARO
OMBAGI**

AND

**JOSHUA MOSOTI ONYANCHA 1ST DEFENDANT
EZNAH KWAMBOKA MEROKA 2ND DEFENDANT
HURON NYAKENYANYA SIRINGI 3RD DEFENDANT
JULIUS BIRUNDU MOKAYA 4TH DEFENDANT
JAMES MIKURO MAGETO 5TH DEFENDANT
JACKSON OSANO OGARO 6TH DEFENDANT
ORORI ONDENGI 7TH DEFENDANT
CHARLES ABIRA ABIRA 8TH DEFENDANT
THE COUNTY LAND REGISTRAR, KISII 9TH DEFENDANT
THE COUNTY LAND SURVEYOR, KISII 10TH DEFENDANT
THE HON ATTORNEY GENERAL 11TH DEFENDANT**

RULING

1. The application before me is that dated 11 March 2025. It is an application seeking to substitute the 7th defendant, one Orori Ondengi, who is said to be deceased.



2. The application has been filed by Jairus Omwoyo Orori and Nathan Orori Ondeng'I who aver that they have been appointed as the Legal Representatives of the deceased 7th defendant.
3. The supporting affidavit is sworn by Jairus Omwoyo Orori. He has averred that he is one of the sons of the deceased 7th defendant. He deposes that the 7th defendant died on 13 May 2024 and he has annexed the Certificate of Death. He has also annexed a Grant of Letters of Administration ad litem issued in Kisii Chief Magistrates' Court Succession Cause No. E008 of 2025. The same was issued on 10 February 2025 to the two applicants.
4. None of the other parties have opposed the application and I see no reason not to allow it.
5. The application is hereby allowed. The two applicants Jairus Omwoyo Orori and Nathan Orori Ondeng'i hereby substitute the deceased 7th defendant and may continue the suit on behalf of his estate.
6. There will be no orders as to the costs of this application.
7. Orders accordingly.

DATED AND DELIVERED THIS 29 DAY OF MAY 2025

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT

AT KISII

