



REPUBLIC OF KENYA



KENYA LAW
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**Wambui v Kinuthia (Environmental and Land Originating Summons
E020 of 2023) [2025] KEELC 5267 (KLR) (15 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5267 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANGA
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E020 OF 2023
MN GICHERU, J
JULY 15, 2025**

BETWEEN

MICHAEL NJUGUNA WAMBUI PLAINTIFF

AND

JACOB MWANGI KINUTHIA DEFENDANT

RULING

1. This ruling is on the notice of motion dated 14-5-2025. The motion is brought under Sections 1A, 1B and 3A of the [Civil Procedure Act](#), Order 2 rule 15, Order 51 rule 1 [Civil Procedure Rules](#) and all other enabling provisions of the law. It seeks three orders.
 1. That this Court be pleased to find that the suit by the Plaintiff does not disclose any reasonable cause of action or defence in law and it is scandalous, frivolous, vexatious and outrightly baseless.
 2. That the suit be struck out in its entirety.
 3. That the costs be provided for.
2. The motion is based on five grounds and is supported by two affidavits sworn by Florence Wanjiru Mwangi and Simon Kinuthia Wanyoike. The affidavits are dated 12-5-2025 and have four (4) annexures. The gist of the grounds and the affidavit is as follows. One, the Defendant died in the year 2004 and this suit was filed in the year 2023 and he could not have been served. Two, the process server Joel Maina filed a forged letter purporting to have been authored by Chief Simon Kinuthia Wanyoike which is not the case. The photographs filed by the Plaintiff are forged because they show buildings yet the suit land has no buildings and has never been occupied by anyone. Currently, the land is overgrown with bushes having been left fallow for the last two (2) years. Three, the deceased was a well known businessman in the area and his eldest son Kamande Mwangi was the member of parliament for Maragua Constituency for two terms. Four, the Plaintiff must be a fraudster who knows



that the deceased is dead and is out to acquire the suit land fraudulently. Five, the letter dated 8/1/2024 filed by the process server in Court on 12-1-2024 is outrightly fake as the Chief writes such letters by hand in blue ink biro or pen and the Chief has never met him. Finally, the matter has been reported to Makuyu Police Station for police action aimed at unveiling who the Plaintiff really is and what business he is involved in.

3. The motion, though served upon the Plaintiff through his postal address in Nairobi is unopposed.
4. Having considered the motion in its entirety, I find that it has merit. It is very alarming that both the process server and the Plaintiff can file forged documents in Court especially the letter from Chief of Kakuzi/Kirimiri. I strike out the suit with costs to the family of the Defendant. The striking out is under Order 2 rule 15 (1) (d) of the [Civil Procedure Rules](#) for the suit is clearly an abuse of the Court process.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 15TH DAY OF JULY, 2025.

M.N. GICHERU

JUDGE.

Delivered online in the presence of; -

Court Assistant – Mwangi Njonjo

Plaintiff – Absent

Defendant – Mr. Muguku

