



**Kuria & 2 others (Suing as administrators of the Estate of Geoffrey Kuria - Deceased)
v Onunda & another; Muigai & 5 others (Interested Parties) (Environment &
Land Case 1204 of 2013) [2024] KEELC 6689 (KLR) (4 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 6689 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 1204 OF 2013**

MD MWANGI, J

JULY 4, 2024

BETWEEN

**JACKSON KAGWIMA KURIA 1ST PLAINTIFF
JOYCE WANGECHI KURIA 2ND PLAINTIFF
JANE MWIHAKI KURIA 3RD PLAINTIFF
SUING AS ADMINISTRATORS OF THE ESTATE OF GEOFFREY KURIA -
DECEASED**

AND

**REV MARK ANARIKO ONUNDA 1ST DEFENDANT
JACKSON MACHARIA 2ND DEFENDANT**

AND

**ABDULLAHI MUIRURI MUIGAI INTERESTED PARTY
RAYMOND MWANGI WAWERU INTERESTED PARTY
KARIUKI NJOROGE INTERESTED PARTY
PETER KARUMBI KEINGATI INTERESTED PARTY
JOSEPH NDUATI NGENDO INTERESTED PARTY
KIAMBU DANDORA FARMERS CO LTD INTERESTED PARTY**

RULING

1. The application under consideration is the Chamber Summons dated 23rd April, 2024 expressed to have been brought under the provisions of Article 159 of the Constitution, Sections 1A, 1B and 3A



of the Civil Procedure Act, and Order 1 rule 10(2) of the Civil Procedure Rules. The applicants are the six (6) Interested Parties who pray that the Court do grant leave to the firm of Maw Advocates LLP to come on record for them in place of their previous Advocates. The other prayer in the application is spent as the Applicants were seeking stay of execution of the judgment dated 27th July, 2023 and all consequential orders pending the hearing and determination of the application.

2. The application is premised on the grounds on the face of it and on the supporting affidavit of Joseph Mwangi Karanja.
3. The Applicants aver that they had instructed the firm of Njiru Boniface & Company Advocates to act for them until judgment was rendered. They now wish to replace their counsel on record with MAW Advocates LLP with a view to challenging the decision of this Court.
4. The plaintiffs have responded to the application by the Interested Parties vide the replying affidavit deposed on their behalf by Joyce Wangechi Kuria on 26th June, 2024. The deponent deposes that the Plaintiffs are not opposed to the grant of leave to the Interested Parties to change their Advocates. Their objection is to the grant of orders of stay of execution.
5. I need to state that every party in a suit has a right to be represented by an Advocate of his or her own choice. The Interested Parties are entitled to an Advocate of their choice. Accordingly, their prayer for leave to substitute their previous Advocates with MAW Advocates LLP is therefore allowed.
6. I make no orders as to costs.

It is so ordered.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 4th DAY OF JULY, 2024.

M.D. MWANGI

JUDGE

In the virtual presence of:

No Appearance by the Parties

Court Assistant – Yvette.

