



REPUBLIC OF KENYA



Ngaine (Suing as Legal Representative of the Estate of John Mbeti Muriithi - Deceased) v Kamau & 5 others (Environment & Land Case E339 of 2022) [2023] KEELC 20691 (KLR) (11 October 2023) (Ruling)

Neutral citation: [2023] KEELC 20691 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E339 OF 2022
LN MBUGUA, J
OCTOBER 11, 2023**

BETWEEN

STELLA MARIS KAREGI NGAINE (SUING AS LEGAL REPRESENTATIVE OF THE ESTATE OF JOHN MBETI MURIITHI - DECEASED) PLAINTIFF

AND

**JENIFER WANGARI KAMAU 1ST DEFENDANT
LUKE KIPCHUMBA METTO 2ND DEFENDANT
ERIC AGBEKO 3RD DEFENDANT
LAND REGISTRAR, NAIROBI 4TH DEFENDANT
CHIEF LAND REGISTRAR NAIROBI 5TH DEFENDANT
ATTORNEY GENERAL 6TH DEFENDANT**

RULING

1. I find that the orders given on 3.7.2023 were self-executing in so far as the filing of pleadings were concerned. All defences were to be filed and served by 17.7.2023. The consequences of non-compliance with that order were clearly spelt out to the parties. See *Virginia Kathambi Maingi vs. Nicholas Mwatika & 2 Others* [2021] eKLR, and the Practice Directions of 25.7.2014 (Gazette notice No. 5178) as well as those of 11.1.2022 (gazette notice No. 189).
2. In that regard, the matter shall proceed as an undefended claim against the 2nd & 3rd defendants.
3. The other defendants are given 30 days, (by 11.11.2023) to file and serve their Trial Bundle containing their witness statement and documentary evidence of which non-compliance will mean that their documents shall be disregarded.



4. The court will proceed to give a date for hearing.
5. Plaintiff to serve these directions upon the Attorney General within 7 days.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF OCTOBER, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Musesya for Plaintiff

Mugo for Defendant in 339 and for Plaintiff in 284/2022

Wachira for 2nd and 3rd Defendants

Court Assistant: Eddel

