



**Nyakara & 2 others v Attorney General & 3 others (Land Case Petition E001 of 2025) [2025] KEELC 4129 (KLR) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 4129 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISII  
LAND CASE PETITION E001 OF 2025**

**M SILA, J  
MAY 22, 2025**

**BETWEEN**

**ONGORI NYAKARA ..... 1<sup>ST</sup> PETITIONER  
JOSEPH B MAKWORO ..... 2<sup>ND</sup> PETITIONER  
PIUS MACHOGU MOTONU (ALIAS OMETE) ..... 3<sup>RD</sup> PETITIONER**

**AND**

**ATTORNEY GENERAL ..... 1<sup>ST</sup> RESPONDENT  
THE DISTRICT LAND REGISTRAR ..... 2<sup>ND</sup> RESPONDENT  
ALICE MONYENYE MABIRIA ..... 3<sup>RD</sup> RESPONDENT  
THOMAS MABIRIA ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. Before me is an application dated 14 May 2024 filed by the legal representatives ad litem of the estates of the 1<sup>st</sup> and 2<sup>nd</sup> petitioners. There were many prayers in the application which were abandoned save for the prayer for substitution of the now deceased 1<sup>st</sup> and 2<sup>nd</sup> petitioners. This prayer is not opposed by any of the other parties.
2. To put matters into context, this suit was commenced through a petition filed on 21 August 2013. In the petition, the petitioners claimed to be respectively entitled to portions measuring 17 x 150 feet, 25 x 100 feet, and 50 x 100 feet, out of the land parcels Bassi/Bosingi/1895 and 1896 registered in name of the 3<sup>rd</sup> and 4<sup>th</sup> respondents. The suit was settled vide a consent entered filed on 1 July 2015. In that consent the petitioners and the 3<sup>rd</sup> and 4<sup>th</sup> respondents agreed to allow the prayers sought in the petition.



3. That seemed to be the end of the matter but it would appear that there are issues related to execution of the decree and now the applicants wish to substitute the deceased 1<sup>st</sup> and 2<sup>nd</sup> petitioners for purposes of executing the decree.
4. I have no issue allowing the application to the extent of substituting the deceased 1<sup>st</sup> and 2<sup>nd</sup> petitioner and that prayer is allowed.
5. There will be no orders as to costs.
6. Orders accordingly.

**DATED AND DELIVERED THIS 21 DAY OF MAY 2025**

**JUSTICE MUNYAO SILA**

**JUDGE, ENVIRONMENT AND LAND COURT**

**AT KISII**

Delivered in the presence of :

Mr. Ayienda for 5<sup>th</sup> respondent

Other parties – Absent

Court Assistant – Michael Oyuko

