



Ndung'u (Suing as an Administrator of the Estate of the Late Benson Ndung'u Theuri) v Mwaniki & 55 others (Environment & Land Case 42 of 2021) [2025] KEELC 3778 (KLR) (14 May 2025) (Ruling)

Neutral citation: [2025] KEELC 3778 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NANYUKI
ENVIRONMENT & LAND CASE 42 OF 2021
LN MBUGUA, J
MAY 14, 2025
(FORMERLY NYERI ELC 119 OF 2017)**

BETWEEN

**SAMSON MUTHAMI NDUNG'U PLAINTIFF
SUING AS AN ADMINISTRATOR OF THE ESTATE OF THE LATE BENSON
NDUNG'U THEURI**

AND

**STEPHEN KIMANI MWANIKI & 55 OTHERS & 55 OTHERS & 55 OTHERS &
55 OTHERS DEFENDANT**

RULING

1. This suit was dismissed for want of prosecution on 29.7.2024. An application dated 13.2.2025 seeking orders for reinstatement of the suit was also dismissed on 4.3. 2025 for want of prosecution. The applicant has now filed another application dated 7.3.2025 seeking orders to set aside the proceedings of 4.3.2025 and that the suit be reinstated. Counsel for the applicant contends that he was unable to log in the digital platform as at the time the matter was called out due to a power blackout.
2. I have considered the averments proffered herein and note that the application at hand was filed timeously. In the circumstances, the application dated March 7, 2025 is allowed to the extent that the proceedings of March 4, 2025 are hereby set aside. Thus the application dated February 13, 2025 (and not the suit) has been reinstated and the same is to be set down for hearing forthwith.

DATED, SIGNED AND DELIVERED AT NANYUKI THIS 14TH DAY OF MAY 2025 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA



JUDGE

In the presence of:

Plaintiff – Absent

Defendant – Absent

Yaru – Court Assistant

