



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC CASE NO 49 OF 2003**

**MUNYUA N'INOTI .....PLAINTIFF**

**VERSUS**

**NKABU MAINGI .....1<sup>ST</sup> DEFENDANT**

**JULIUS MUTWIRI NKABU.....2<sup>ND</sup> DEFENDANT**

**RULING**

1. The application before me is the notice of motion dated 1.8.19 and filed on 24.9.2019 for reinstatement of the suit which was dismissed on 12.6.17. The applicant also prays that Jane Mwari and Juster Ruguru James be enjoined in this suit as the legal representatives of the estate of 1<sup>st</sup> defendant (deceased) and that Gladys Ngari Julius and Kennedy Kinoti Mutwiri be enjoined in this suit as legal representatives of the estate of Julius Mutwiri Nkabu, the 2<sup>nd</sup> defendant now deceased.

2. The grounds in support of the application are set out on its face and on the affidavit of Munyua Munyoti.

3. I have scrutinized the issues raised by the applicants. It appears that the grants for the respective 1<sup>st</sup> and 2<sup>nd</sup> defendants were obtained on 24.4.17 and on 27.4.17. The suit was dismissed on 12.6.19. It is hence clear that the applicant was in the process of having the defendants, substituted when the suit was dismissed.

4. I also find that the application is not opposed. In the circumstances the application dated 1/8/2019 is allowed with no orders as to costs.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 12<sup>TH</sup> FEBRUARY, 2020.**

**IN THE PRESENCE OF:-**

C/A: Kananu

Ashaba holding brief for M. Kariuki for plaintiff

Kithinji for proposed respondents

Proposed respondents

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**