



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**MERU ELC CASE NO. 51 OF 2017**

**CHABARI MUNGANIA.....PLAINTIFF**

**VERSUS**

**FELIX MURITHI KIRAI..... 1<sup>ST</sup> DEFENDANT**

**GUARANTY TRUSTS BANK LTD.....2<sup>ND</sup> DEFENDANT**

**AND**

**FRANCIS KIURNGA CHABARI.....INTENDED SUBSTITUTED PLAINTIFF/APPLICANT**

**RULING**

1. This application is dated **26<sup>th</sup> February, 2020** and was brought to court under Certificate of urgency. It seeks orders:-
  1. That this application be certified as urgent and the same be heard as a matter of priority.
  2. That this honourable court be pleased to substitute the plaintiff who is now deceased with Francis Kiunga Chabari.
  3. That this honourable court be pleased to grant leave to the applicant to amend the plaint substituting the plaintiff who is now deceased with the applicant Francis Kiunga Chabari.
  4. That costs of this application be provided for.
2. The application is supported by the applicant's affidavit and has the following grounds:
  - i. That the plaintiff instituted this suit vide a plaint dated 1.2.2019.
  - ii. That the plaintiff passed away on 19.4.2019 when this suit was pending.
  - iii. That the applicant has obtained letters of administration ad litem dated 4.2.2020.
  - iv. That the applicant now seeks leave to be substituted in place of the plaintiff and amend the plaint by removing the plaintiff who is now deceased in this suit.
  - v. That the defendant /respondent will not be prejudiced by this application.
  - vi. That if the orders sought are declined the plaintiff's suit will abate to the detriment of his estate.
3. At the exparte stage the applicant was not in court.
4. It is directed that the application be heard by the **Honourable Lady Justice Lucy Mbugua, ELC Judge, at Meru on 24<sup>th</sup> March, 2020.**

**Delivered in open Court at Chuka this 11<sup>th</sup> day of March, 2020 in the presence of:**

CA: Ndegwa

Parties not in court

**P. M. NJORGE,**

**JUDGE.**