



REPUBLIC OF KENYA



KENYA LAW
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Muguna v Estate of Julius Mathiu Mungai (Environmental and Land Originating Summons E009 of 2024) [2025] KEELC 73 (KLR) (21 January 2025) (Ruling)

Neutral citation: [2025] KEELC 73 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENTAL AND LAND ORIGINATING SUMMONS E009 OF 2024
BM EBOSO, J
JANUARY 21, 2025

BETWEEN

VIRGINIA KAGENDO MUGUNA PLAINTIFF

AND

THE ESTATE OF JULIUS MATHIU MUNGAI DEFENDANT

RULING

1. I have heard the parties on the issue of locus.
2. The plaintiff initiated this suit against a non-existent entity described as “The Estate of Julius Mathiu Mungai.” A suit against the estate of a deceased person is supposed to be initiated against the personal representative appointed by a succession court under the Law of Succession [see Sections 81 and 82 of the *Law of Succession Act*]. The defendant sued in this suit is a non-entity.
3. Consequently, this suit is fatally defective and is incapable of cure through amendments. The recourse the plaintiff has is to bring a fresh competent suit against the proper defendant.
4. For the above reason, this suit is struck out. In tandem with the principle in Section 27 of the *Civil Procedure Act*, the plaintiff shall bear costs of the ill-fated suit. It is so ordered.

DATED, SIGNED AND DELIVERED AT MERU THIS 21ST DAY OF JANUARY, 2025

B M EBOSO (MR)

JUDGE

In the Presence of:

Ms Achieng for the Plaintiff/Applicant

Ms Nelima for the Respondent/Defendant

Court Assistant - Tupet

