



**Nkoimo (Suing as the Legal Representative of the Estate of Stanley Lemoiyo Nkoimo (Deceased)) v Asanyo & 4 others (Civil Application E005 of 2024) [2025] KECA 1649 (KLR) (9 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1649 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAKURU  
CIVIL APPLICATION E005 OF 2024  
MA WARSAME, JA  
OCTOBER 9, 2025**

**BETWEEN**

**ANGELINE NAISIANO NKOIMO ..... APPLICANT  
SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF STANLEY  
LEMOIYO NKOIMO (DECEASED)]**

**AND**

**GEOFFREY MAKANA ASANYO & 4 OTHERS ..... RESPONDENT**

*(An application for substitution pending an intended appeal  
against the ruling of the Environment and Land Court at Kilgoris  
(Washe, J) dated 19th December 2022 in ELC No. E 005 of 2022)*

**RULING**

1. Before me is an application for substitution dated 20th May 2025 is brought under Rule 87 of the [Court of Appeal Rules, 2022](#), following the death of the original applicant, Angeline Nkoimo, on 4th April 2025.
2. The factual background is that on 15th May 2025, this Court (Odunga, JA) allowed an application for extension of time to file a reference against a single judge's decision dated 12th April 2024. Tragically, the applicant passed away shortly before this favorable ruling.
3. The application is supported by proper documentation including: A burial permit and a chief's letter confirming the death of Angeline Nkoimo and letters of Administration showing John Maisonni Nkoimo as co-administrator of the estate of Stanley Lemoiyo (deceased).



4. The circumstances of this case clearly fall within the ambit of Rule 87(1) of the *Court of Appeal Rules 2022* on death of a party to an intended appeal, which provides:

“An appeal shall not be instituted in the name of a person who is dead but may be instituted in the name of the deceased person's legal representative.”

5. This provision is apt because while this Court allowed the reference on 15th May 2025, the substantive appellate proceedings against the original ELC judgment have not yet commenced.

6. The application has been made promptly following the discovery of the original applicant's death, demonstrating diligence on the part of the estate's representatives.

7. There is no prejudice to the respondents in allowing the substitution, as the substantive legal issues remain unchanged and the estate has legitimate interests to protect.

8. Consequently, the application is allowed. John Maisoni Nkoimo, is hereby substituted as the applicant in these proceedings.

9. The reference allowed by this Court on 15th May 2025 shall proceed with the substituted applicant with no orders to costs. It is so ordered.

**DATED AND DELIVERED AT NAKURU THIS 9<sup>TH</sup> DAY OF OCTOBER 2025.**

**M. WARSAME**

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**JUDGE OF APPEAL**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

