



M’Aciuri & 2 others v John (Suing as the Administrator of the Estate of M’Amburukua M’Muketha - Deceased) & another (Environment and Land Appeal E025 of 2024) [2025] KEELC 6809 (KLR) (6 October 2025) (Ruling)

Neutral citation: [2025] KEELC 6809 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND APPEAL E025 OF 2024
BM EBOSO, J
OCTOBER 6, 2025**

BETWEEN

**M’MBOROTHI M’ACIURI 1ST APPELLANT
TIGANIA EAST & WEST DISTRICT LAND ADJUDICATION AND
SETTLEMENT OFFICER 2ND APPELLANT
ATTORNEY GENERAL 3RD APPELLANT**

AND

**KARITHI JOHN (SUIING AS THE ADMINISTRATOR OF THE ESTATE OF
M’AMBURUKUA M’MUKETHA - DECEASED) 1ST RESPONDENT
M’ITARU M’NAITULI 2ND RESPONDENT**

RULING

1. The Land Adjudication Officer and the Attorney General have been designated as appellants in this appeal. They have disowned the appeal, stating that they were not privy to the memorandum of appeal which initiated the appeal.
2. Joinder of a party as an appellant when that party is not privy to the memorandum of appeal is a serious matter. The two parties have been designated as appellants yet they are not. They are deemed to have dragged the respondents to court through this appeal yet they have not. Clearly, this is not a matter which a court of law would take lightly.
3. Taking into account the gravity of the matter, the party who drew and served the memorandum of appeal is ordered to amend the memorandum of appeal and remove the two appellants within 90 days. The 90 days period takes into account any reasonable period the estate may require to put its house in



order. If there shall be no compliance within 90 days from today, the memorandum of appeal initiating this appeal shall stand struck out. So shall be the appeal cause.

4. In that event, the estate of the late M^oMborothi M'Aciuri shall bear costs of the 2nd and 3rd appellants and costs of the two respondents. It is so ordered.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 6TH DAY OF OCTOBER, 2025.

B M EBOSO (MR)

ELC JUDGE

