



REPUBLIC OF KENYA



**Oyieke (Deceased) v District Land Registrar, Rachuonyo District & 2 others; Oyieke (Applicant) (Civil Appeal (Application) 301 of 2019) [2025] KECA 1714 (KLR) (21 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1714 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CIVIL APPEAL (APPLICATION) 301 OF 2019  
MSA MAKHANDIA, JA  
OCTOBER 21, 2025**

**BETWEEN**

**JOEL OYIEKE OYIEKE (DECEASED) ..... APPELLANT**

**AND**

**THE DISTRICT LAND REGISTRAR, RACHUONYO DISTRICT .... 1<sup>ST</sup>  
RESPONDENT**

**THE HONORABLE ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**ALBERT ADAMS YUGI ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**SAMUEL AKAL OYIEKE ..... APPLICANT**

*(Being an Application for Substitution of the Appellant, now deceased,  
arising from the Ruling of the Environment and Land Court at  
Migori (Ongondo, J.,) dated 10th July, 2019 in ELC No. 18 of 2017)*

**RULING**

1. The appellant lodged this Appeal on the 19<sup>th</sup> December 2019 after being aggrieved with the judgment and decree delivered on the 10<sup>th</sup> July 2019 in Migori ELC Petition No. 18 Of 2017. The Appeal touched on all that piece or parcel of land known as LR No. West Karachuonyo Klblrl Kanylplr 616, hitherto registered in the name of Yason Oyieke Ogwen, now Deceased, who passed on sometimes on the 12<sup>th</sup> June 2024. Upon his demise, the applicant obtained limited grant of letters of administration ad litem in respect of his estate. Pursuant to that grant, the applicant lodged this application on the 10<sup>th</sup> June 2025 seeking an order to substitute the deceased appellant with the himself in this appeal.



2. I note that though the respondents were served with the application, they have to date not filed any papers in opposition to the application. Similarly, when served with today's hearing notice for the application, if the email on record is anything to go by, they have also not filed any written submissions either in support of or in opposition to the application. I would therefore take it that the application is unopposed.
3. Rule 102 of the Court of Appeal Rules 2022 prescribes that where a party in the appeal has died, the appeal shall not abate by virtue of the said death. An application can be made by a legal representative for purposes of being made a party in place of the deceased. That was the essence of this application. Rule 102 (2) of the Rules however provide that the said application be made within 12 months from the date of death of the party failure of which the appeal shall abate by operation of law.
4. I have seen the Certificate of Death of the deceased annexed to the application. It shows that he died on the 12<sup>th</sup> June 2024. The applicant had until the 11<sup>th</sup> June 2025 to lodge the instant application. The application was lodged in Court on the 10<sup>th</sup> June 2025, well within the statutory timelines as prescribed in law.
5. Having fully complied with the Rules of the Court, the application is merited and is accordingly allowed as prayed.

**DATED AND DELIVERED AT KISUMU THIS 21<sup>ST</sup> DAY OF OCTOBER, 2025.**

**ASIKE-MAKHANDIA**

..... **JUDGE OF APPEAL**

I certify that this is a true copy of the original

Signed

Deputy Registrar

