



M'aciuri & 2 others v John (Suing as the Administrator of the Estate of M'amburukua M'Muketha - Deceased) & another (Environment and Land Appeal E051 of 2023) [2025] KEELC 7592 (KLR) (4 November 2025) (Ruling)

Neutral citation: [2025] KEELC 7592 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND APPEAL E051 OF 2023
BM EBOSO, J
NOVEMBER 4, 2025**

BETWEEN

**DOROTHY M'ACIURI 1ST APPELLANT
TIGANIA EAST & WEST DISTRICTS LAND ADJUDICATION AND
SETTLEMENT OFFICER 2ND APPELLANT
ATTORNEY GENERAL 3RD APPELLANT**

AND

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

RULING

(Ex-Tempore)

1. This appeal was initiated through a memorandum of appeal dated 14/12/2023, drawn by M/s M G Kaume & Co Advocates. The District Land Adjudication and Settlement Officer and the Attorney General were designated as the 2nd and 3rd appellants.
2. On 23/10/2025, the Attorney General, through the Learned Senior State Counsel, Ms E. Wairimu, disowned the appeal and stated that they never instructed M/s M G Kaume & Co. Advocates to lodge the appeal.
3. Arising from the above development, the court issued a notice to show cause to the advocates who filed the appeal and who are on record for all the appellants to attend court today and show cause why the appeal should not be struck out for being an abuse of the process of the court. The court record shows that the said advocates were served on 24/10/2025.



4. The advocates have not attended court to tender an explanation as to why the appeal, which has been disowned by two out of the three appellants, should be sustained. It is a joint appeal.
5. In the above circumstances, the appeal is struck out on the above ground. Due to lack of clarity on who out of the three appellants was responsible for this fiasco, there will be no award of costs.

DATED, SIGNED AND DELIVERED AT MERU THIS 4TH DAY OF NOVEMBER, 2025

B M EBOSO [MR]

ELC JUDGE

In the presence of:

Carl Peters Mbaabu for the Respondent

Ms Wairimu for the 2nd and 3rd Appellants

Appellants - Absent

Court Assistant- Tupet

