



**Kamwara & another v Njagi (Environment and Land Appeal
E018 of 2024) [2025] KEELC 8354 (KLR) (24 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 8354 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
ENVIRONMENT AND LAND APPEAL E018 OF 2024**

BM EBOSO, J

NOVEMBER 24, 2025

BETWEEN

JOSEPH MUTUGI KAMWARA 1ST APPELLANT

BENJAMIN KITHAKA CINGAU 2ND APPELLANT

AND

KIMANTIRIA IRENEUS MUGAO NJAGI RESPONDENT

RULING

1. On 24/9/2025, counsel for the appellant stated that the appellant had confirmed that the respondent died in a road accident. He was, however, not able to provide details relating to the date of death. Today, counsel for the appellant has not provided the details.
2. On his part, counsel for the respondent has stated that the respondent died on 28/6/2024. He has, however, not provided documentary evidence.
3. Given the above background, and in the absence of evidence to the contrary, the court will proceed from the premise that the respondent died on 28/6/2024. The 12 months period for substitution lapsed on 28/6/2025. That is the day when the appeal abated.
4. Consequently, this appeal is marked “abated” and the appeal file is marked “case closed.” There will be no award of costs of the abated appeal.

DATED, SIGNED AND DELIVERED AT CHUKA THIS 24TH DAY OF NOVEMBER, 2025.

B M EBOSO [MR]

ELC JUDGE

In the Presence of:

Mr. Mwiti for the Appellant



Mr. Kaimenyi for the Respondent

Court Assistant – Mr. Mwangi

