

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT OF KENYA**  
**AT NAKURU**  
**ELC JUDICIAL REVIEW NO. 1 OF 2022**

**REPUBLIC .....**  
**APPLICANT**

**AND**

**THE NAKURU COUNTY LAND REGISTRAR**  
**.....RESPONDENT**

**EX-PARTE WANJIKU NJOKA (AS LEGAL REPRESENTATIVE OF ALICE**  
**KAHAKI NJOKA (DECEASED..... INTERESTED PARTY/RESPONDENT**

**AND**

**TERESIA NJERI NJOKA**

**MARGARET DAMAT**

**LUCY WANJIRU NJOKA**

**JOSEPH NJUGUNA NJOKA ..... INTERESTED**  
**PARTIES/APPLICANTS (AS LEGAL REPRESENTATIVES OF THE ESTATE**  
**OF PHILIO NJOKA KAMAU (DECEASED)**

**R U L I N G**

Teresia Njeri Njoka, Margaret Damat, Lucy Wanjiru Njoka and Joseph Njuguna Njoka the legal representatives of the estate of Philip Njoka Kamau (Deceased) have come to court seeking orders that Pending the hearing and determination of this application, and of the Intended Appeal, there be a Stay of Proceedings herein and a Stay for Arrest of the pending Judgment and final determination on the substantive Motion dated 16<sup>th</sup>

March 2022. That costs of this application be in the cause of the intended Appeal.

The application is based on grounds that the Interested Parties/Applicants are aggrieved by this court's Ruling dated 2<sup>nd</sup> October 2025, which locked out the Applicants/Estate of Phillip Njoka (Deceased) from being heard or participating herein, though the dispute is about the Deceased's land. This has occasioned great prejudice to the Applicants and to the said Deceased's Estate, who now stand to be condemned unheard, contrary to Rules of Natural Justice.

Hearing of the substantive Motion proceeded in the absence of and without service or involvement of the Estate of Phillip Njoka Kamau (Deceased). The matter is now pending for Judgment, which could be delivered any time. It was initially slated for delivery on 17<sup>th</sup> December 2024, before it was temporarily arrested by this court.

The Ex Parte Applicant herein, though she is one of the four Administrators of the aforesaid Deceased's Estate, she is in law not competent to alone represent the deceased's Estate herein, seeing as the Grant of Letters of Administration is issued jointly to all four Administrators, and they must by law at all times act together in the execution of their legal mandate thereunder. None of them can competently act alone.

I have considered the application and do find the same to be an abuse of court process because the exparte applicant cannot make an application to stay proceedings that she has commenced. It appears to be an attempt to convolute the dispute and if possible stall the hearing of the same.

The other applicants are all legal representatives of the estate of Philip Njoka Kamau who are represented by Lucy Wanjiru Njoka in this matter as the exparte applicant and therefore will suffer no prejudice if the matter proceeds for hearing as Lucy Wanjiru Njoka will represent the estate. The application lacks merit and is dismissed with costs.

**RULING DATED, SINGED AND DELIVERED ELECTRONICALLY  
THIS 27<sup>TH</sup> DAY OF NOVEMBER 2025.**

**A O OMBWAYO  
JUDGE**