



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC LAND APPEAL CASE NO. E062 OF 2024

MARY MWIHAKI KINYENJE (*Suing on behalf of ELIAS KIAUTHA MPUTHIA Through the Power of Attorney*).....APPELLANT

=VERSUS=

PAUL MUTWIRI MWITI.....1ST

RESPONDENT

JERICA NTHIORI M'IKIUGU.....2ND

RESPONDENT

CONSOLATA KANANA M'MUGUNA.....3RD

RESPONDENT

BEATRICE NKATHA.....4TH

RESPONDENT

BANK OF AFRICAH LTD (MERU).....5TH

RESPONDENT

RULING

(EX-TEMPORE)

1. Through the application dated 9/6/2025, the Bank of Africa Limited sought an order removing them from this appeal. They also sought costs against the appellants. The only

aspect of the plea which the appellants were opposed to was the prayer for costs. Today, counsel for the 5th respondent/applicant has abandoned their quest for costs.

2. In the circumstances, the chamber summons dated 9/6/2025 is allowed in terms of prayer 1. Noting that the 5th respondent was a party to the suit in the lower court and were therefore a necessary party to the appeal, there will be no award of costs to them in this appeal.
3. Orders accordingly.

DATED, SIGNED AND DELIVERED AT MERU THIS 1ST DAY OF DECEMBER, 2025.

B M EBOSO
JUDGE

IN PRESENCE OF

Mr. Mwanzia for the appellant

Mr. Muriuki for the 1st - 4th respondent

Mr. Okore for the 5th respondent

Court Assistant - Mr. E. Tupet