



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC LAND (OS) CASE NO. E004 OF 2023

**ANGELO
M'MBOGORI**APPLICANT

KIMATHI

=VERSUS=

**ESTHER
NJERU.....**RESPONDENT

WANGUI

RULING

(EX-TEMPORE)

1. The plaintiff/applicant has caused confusion by: (i) filing a superfluous application dated 23/10/2025 seeking orders that had already been granted; and (ii) misleading the court that the said application was coming up for hearing on 12/11/2025. The factual position is that, when this suit came up for substantive hearing on 7/7/2025, the court noted that Barclays Bank of Kenya Ltd were appearing in the land register as holders of a charge relating to the suit land.
2. Consequently, the court invoked its powers under **Order 1 rule 10(2)** of the **Civil Procedure Rules** and ordered joinder of the Bank as a party to the case. The application dated 23/10/2025 was therefore unnecessary.

3. The Bank, now known as **Absa Bank Kenya PLC**, has attended court today through Mr. Cornelius Sikuku of **J K Kibicho & Company Advocates** and have indicated that the loan has been fully repaid and that they do not have any interest in the suit land. They have asked to be removed from the suit.
4. In the circumstances, the Bank is hereby removed from this suit. It is so ordered.

DATED, SIGNED AND DELIVERED AT MERU THIS 2ND DAY OF DECEMBER, 2025

B M EBOSO [MR]
ELC JUDGE

In the presence of:

Ms Nyamu for the Applicant

Mr Sikuku for the 2nd Respondent, Absa Bank Kenya PLC

Court Assistant – Mr. E Tupet