



Muchi (Suing in His Capacity as the Administrator Ad Litem of the Estate of Muchi Gichukia - Deceased) v Njoroge & 2 others (Civil Appeal (Application) E319 of 2023) [2025] KECA 2255 (KLR) (19 December 2025) (Ruling)

Neutral citation: [2025] KECA 2255 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E319 OF 2023
DK MUSINGA, JA
DECEMBER 19, 2025**

BETWEEN

JOSEPH WAINANA MUCHI (SUING IN HIS CAPACITY AS THE ADMINISTRATOR AD LITEM OF THE ESTATE OF MUCHI GICHUKIA - DECEASED) APPLICANT

AND

FRANCIS NDIRANGU NJOROGE 1ST RESPONDENT

PETER WAINAINA NJOROGE 2ND RESPONDENT

PAUL MBATIA KABUCHO 3RD RESPONDENT

(Being an application for substitution of the appellant from the Judgment of the Environment and Land Court of Kenya at Nairobi (E. O. Obaga, J.) dated 27th August 2019 in ELC No. 398 of 2011)

RULING

1. The applicant's notice of motion dated 8th March 2024 seeks reinstatement of this appeal and substitution of the appellant, Muchi Gichukia, (Deceased) by the deceased's son, Joseph Wainaina Muchi, the applicant.
2. The deceased passed away on 26th July 2021 but the subject matter of the appeal has survived the deceased, and the applicant, who is the Administrator Ad Litem of the deceased's estate, wishes to substitute the deceased.
3. Although the application for substitution was not made within 12 months of the death of the appellant, the applicant's affidavit in support of the application has demonstrated sufficient cause for the delay.



4. As the application is not opposed, I hereby grant the orders as prayed.

DATED AND DELIVERED AT NAIROBI THIS 19TH DAY OF DECEMBER, 2025.

D. K. MUSINGA, (PRESIDENT)

JUDGE OF APPEAL

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I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR.

