



**Amuguni & another (Suing as the legal representatives of the Estate of Joshua Amuguni Lugia - Deceased) v Kenyani & another (Environment and Land Appeal E012 of 2025) [2026] KEELC 188 (KLR) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEELC 188 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT AND LAND APPEAL E012 OF 2025  
GMA ONGONDO, J  
JANUARY 22, 2026**

**BETWEEN**

**WARREN MMENE AMUGUNI ..... 1<sup>ST</sup> APPLICANT  
HASTINGS LUDIHA AMUGUNI ..... 2<sup>ND</sup> APPLICANT  
SUING AS THE LEGAL REPRESENTATIVES OF THE ESTATE OF JOSHUA  
AMAGUNI LUGIA - DECEASED**

**AND**

**MARK KENYANI ..... 1<sup>ST</sup> RESPONDENT  
WINNY CHOGO (GLADYS) ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. By an application dated 24<sup>th</sup> November 2025, the applicants through Eredi Mulama and Company Advocates, are seeking the following orders;
  - a) That the Applicant be granted leave to file an appeal out of time against the decision of the Registrar of Lands delivered on 14<sup>th</sup> February 2025 in respect of the boundary dispute relating to parcel numbers NANDI/KAPKANGANI/577 and 922 versus 582, 143 and 198.
  - b) That the annexed Notice of Appeal be deemed as duly filed and served upon the Respondents upon grant of leave.
  - c) That the costs of this application be in the cause.
2. The application is premised upon the affidavit of the 1<sup>st</sup> Applicant and annexed documents including a copy of the Land Registrar's decision (WM-2) and obituary (WM-3) alongside the seven grounds, inter alia;



- a) The decision sought to be appealed against was delivered on 14<sup>th</sup> February 2025 and the statutory period for lodging an appeal has since elapsed.
  - b) The delay in filing the appeal was occasioned by the prolonged illness and subsequent demise of Mr. Henry Amena Amuguni, one of the beneficiaries to the estate of the late Joshua Amaguni Lugiha
  - c) The delay in filing the appeal is neither inordinate nor deliberate, and no prejudice will be occasioned to the Respondents if the application is allowed.
3. The respondents duly served as per an affidavit of service sworn on 14<sup>th</sup> January 2026 by Eric Mulandi, a duly licenced process server of this Court, had an option to respond to the application. However, they failed to do so; see Ogada-vs-Mollin 2009 KLR.
  4. Mr. Eredi learned counsel for the Applicants prayed for the orders in the application in entirety. That it is not responded to. That substantive application be filed and served within the next fourteen days from this date.
  5. So, is there merit in the application?
  6. By the unopposed application in entirety, the Applicants have attained the parameters set out in the case of Nicholas Kiptoo Arap Korir Salat v Independent Electoral and Boundaries Commission & 7 others (2014) eKLR.
  7. In the case of Butt-vs-Rent Restriction Tribunal (1979) eKLR, the Court of Appeal remarked;  

“.....and the Appellant has an undoubted right of appeal.....”
  8. In the premises, the application is uncontroverted, firm and meritorious.
  9. Thus, the application dated 24<sup>th</sup> November 2025, is hereby allowed in terms of prayers (a), (b) and (c) therein as stated at paragraph 1 (a), (b) and (c) hereinabove.
  10. The Applicant’s Counsel to file and serve the substantive appeal within the next fourteen days from this date failure of the orders granted herein shall lapse automatically without any further order being necessary.
  11. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 22<sup>ND</sup> JANUARY 2026.**

**HON G M A ONGONDO**

**JUDGE**

In the presence of; -

Mr. Eredi learned Counsel for the Applicants

Walter, Court Assistant

