



M'rinkanya & another v Mbijiwe (Legal Representative of the Estate of Gilbert Kabeere M'mbijiwe - Deceased) & another (Environment and Land Case 62 of 2008) [2026] KEELC 786 (KLR) (16 February 2026) (Ruling)

Neutral citation: [2026] KEELC 786 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND CASE 62 OF 2008
BM EBOSO, J
FEBRUARY 16, 2026**

BETWEEN

M'IKIARA M'RINKANYA 1ST PLAINTIFF

SEBASTIAN NYAMU 2ND PLAINTIFF

AND

KINYUA MBIJIWE (THE LEGAL REPRESENTATIVE OF THE ESTATE OF GILBERT KABEERE M'MBIJIWE - DECEASED) 1ST DEFENDANT

MERU COUNTY COUNCIL 2ND DEFENDANT

RULING

1. This matter was to be heard today. The plaintiff is, however, not ready for the hearing because it has emerged to him that one of the suit properties devolved to Kinyua Mbijiwe who subsequently charged it to a lender. Kinyua Mbijiwe is the personal representative of the late Gilbert Kabeere Mbijiwe. As the current registered owner, he is a necessary party for the complete and effectual adjudication and settlement of the questions in this dispute. So is the bank/chargee.
2. Both the application dated 13/2/2026 and the substantive suit affect the current registered proprietor and the chargee. Consequently, the court will invoke its jurisdiction under Order 1 rule 10(2) of the Civil Procedure Rules to, suo motto, order amendments to the application and to the main pleadings to join the current proprietor and the chargee/lender as additional defendants in the suit. The amended application shall be heard on a date to be set by the court.
3. These being cases that were filed in 2007 and 2008, they will be given an early substantive hearing date in May 2026.

DATED, SIGNED AND DELIVERED AT MERU THIS 16TH DAY OF FEBRUARY, 2026.



B M EBOSO

ELC JUDGE

In the presence of:

Mr Kiogora Arithi holding brief for Mr Nyamu Nyaga for the plaintiffs.

Mr Mutuma for the 2nd Defendant.

Mr Mwanzia for the 1st Defendant.

Court Assistant – Mr. E. Tupet

