



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAKURU**

**ELC NO. 140 OF 2018**

**PROF.JACKSON JOHN KITETU.....1<sup>ST</sup> PLAINTIFF**

**JOAN CHELANGAT RONO.....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**TAPLULE CHEPKEMOI CHUMO**

**& 5 OTHERS.....DEFENDANTS**

**RULING**

***(Application for substitution of deceased 1<sup>st</sup> defendant; application allowed)***

1. The application before me is that dated 2 March 2019 filed by one Samwel Kibet Tonui, who wishes to substitute the 1<sup>st</sup> defendant, Taplule Chepkemoi Chumo, who is said to be deceased.
2. The suit itself was commenced through a plaint which was filed on 12 April 2018 and in their plaint, the plaintiffs have averred to be the owners of the land parcels Njoro/Ngata Block 2/1887- 1893. They aver that the original land was Njoro Ngata Block 2/850 which was registered in the name of the 1<sup>st</sup> defendant but which was subdivided into the plots that they claim to have purchased. They have sued the defendants because the defendants have refused to allow them to develop the plots claiming that they never purchased them. There is another related suit, commenced in the High Court in the year 2011 and registered as Nakuru HCCC No. 213 of 2011, where the 2<sup>nd</sup> defendant in this case has sued the deceased as 1<sup>st</sup> defendant and her sons.
3. In this application, it is averred that the 1<sup>st</sup> defendant died on 16 September 2016 before this suit was filed and there is annexed a certificate of death. The applicant has averred that he holds a grant of letters of administration ad litem for the estate of the 1<sup>st</sup> defendant and he thus wishes to be substituted for the deceased 1<sup>st</sup> defendant.
4. The application is not opposed.
5. On my part, I have no reason not to allow it for I can see that the applicant does indeed hold a grant of letters of administration ad litem for the estate of the deceased.
6. The application is therefore allowed and I do order that the applicant be substituted for the deceased 1<sup>st</sup> defendant. I further direct that the plaint be amended within 14 days to reflect this position.
7. I make no orders on costs.

**Dated, signed and delivered in open court at Nakuru 23<sup>RD</sup> day of July 2019.**

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**

**In presence of :-**

Mr. Nyamweya holding brief for Mr. Andama for the applicant.

Court Assistants: Nelima Janepher /Patrick Kemboi.

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**