



# THE JUDICIARY



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MURANG'A**  
**ELCEPOS NO E001 OF 2025**

**IN THE MATTER OF SECTION 7, 17 AND 38 OF LIMITATION OF ACTION ACT ORDER 37**  
**RULES 7 AND 19 CIVIL PROCEDURE RULES SECTION 3A OF THE CIVIL PROCEDURE**  
**RULES SECTION 3A OF THE CIVIL PROCEDURE ACT AND ALL THE OTHER ENABLING**  
**PROVISION OF THE LAW.**

**AMBROSE MWANGI KIMANI .....PLAINTIFF/APPLICANT**  
**VERSUS**  
**TEKLAR NYAMBURA KARANJA(Sued as legal representative of the Estate of**  
**MAINA PHILIP KARANJA MWANGI (Deceased).....DEFENDANT/RESPONDENT**

**RULING**

(1)This ruling is on the notice of application dated 28-3-2025. The application which is by the Plaintiff is brought under **Order 5 rule 17(4)** of the **Civil Procedure Rules** and **Section 3A** of the **Civil Procedure Act**. It seeks one main prayer.

- 1. That the Court to order that the originating summons herein to be served upon the Respondent, Teklar Nyambura Karanja, through substituted service.**
- 2. That the costs of the application be provided for.**

(2)The motion is based on three (3) grounds and is supported by an affidavit sworn by the Plaintiff. The gist of the application is as follows. Firstly, the residence of the Defendant is not known. The Defendant is also not known to the Plaintiff. There is therefore no place where the Defendant can be served. Secondly, it is not easy to trace the Defendant's residence. The only way of effecting service is through an advertisement in the daily newspaper and registered post.

(3)On 18-11-2025, the Court directed that the Defendant be served through the chief of the area where the land is situated. When the case came up for mention on 10-2-2026, the Plaintiff's

counsel said that there was information that the Defendant had relocated to Kabati area.

(4) Since the Plaintiff seeks to be declared the owner of land that is registered in the name of the deceased, the service must be certain and physical. It is not clear to me how the Plaintiff came to know that Teklar Nyambura Karanja is the legal representative of the registered owner of the suit land. It is not in the two affidavits on record or their annexures. It is also not clear why the order dated 10-2-2026 was not complied with. It is highly unlikely that the registered owner of the suit land is unknown to all the people in locality where the land is situated. It is for this reason that I find that his application dated 18-3-2025 is **not merited**. I direct that the order dated 18-11-2025 be complied with.

**Dated, Signed and Delivered virtually at Murang'a this 5<sup>th</sup> day of May, 2026.**

**M.N. GICHERU  
JUDGE.**

**Delivered online in the presence of; -**  
Court Assistants – Jackline and Antony  
Mr Muturi Njoroge for the Plaintiff