

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ELC APPEAL NO. 52 OF 2017

MARGARET WAITHIRA NJARI.....APPELLANT

VERSUS

JOHN NJARI KAGUNYI.....RESPONDENT

AND

LUCY WANJIKU KINIARU.....INTENDED INTERESTED PARTY

STEPHEN GITAU KINIARU.....INTENDED INTERESTED PARTY

RULING

Lucy Wanjiku Kiniaru and Stephen Gitau Kiniaru, who are the administrators of the estate of the late Samuel Kiniaru Gitau seek to be joined as interested parties in the appeal. The parcels of land known as Githunguri/Githunguri/3576 and 3577 are registered in the name of Simon Kiniaru Gitau. The administrators of his estate claim that they were not aware of these proceedings and that they learnt of the suit when they did a search in the lands office and discovered that a court order had been registered against the two parcels of land. The late Samuel Kiniaru Gitau was not a party to the suit or the appeal.

The administrators of the estate of the late Samuel Kiniaru Gitau wish to join the appeal so that they can ventilate their interest in the suit land. They relied on a case of the **Attorney General v Kenya Bureau of Standards and another [2018] eKLR** in urging that the court can add a party to proceedings at any stage of the suit including the appellate stage.

The court is satisfied that the application has merit and allows the application dated 17/4/2019. Costs shall be in the cause.

Dated and delivered at Nairobi this 13th day of December 2019

K.BOR

JUDGE

In the presence of:-

K.Ronoh holding brief for Ngigi Njuguna for the Appellant

No appearance for the Respondent

Mr. P. Obado holding brief for D. Gwaro for the Intended Interested Parties

Mr. V. Owuor- Court Assistant