

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS

ELC. CASE NO. 52 OF 2009

JOEL NGUI MWEU.....PLAINTIFF

VERSUS

GITHIGA MUIRU COMPANY LIMITED.....DEFENDANT

RULING

1. In the Application dated 25th November, 2016, the Applicant is seeking for the following orders:

a. That the suit herein be revived; and the time within which this Application ought to have been filed be enlarged to the date of its filing.

b. That the Plaintiff herein, Joel Ngui Mweu who died on 9th April, 2012 be substituted with Mwikali Ngui, his legal representative.

c. That costs of this Application be in the cause.

2. The Application is based on grounds that the suit is substantially heard; that the Plaintiff died on 9th April, 2012; that the Applicant petitioned the High Court for a grant of letters of administration of the Plaintiff's estate and that the Applicant was issued with letters of administration of the Plaintiff's Estate on 11th July, 2016.

3. It is the Applicant's case that he was prevented by a sufficient cause from continuing with the suit herein.

4. In response, the Defendant's Director deponed that the Plaintiff died in the year 2012 and the suit abated; that he has no objection to the Plaintiff being substituted and for the suit to be revived.

5. Considering that the Defendant does not object to the substitution of the Plaintiff and for the revival of the suit, I allow the Application dated 25th November, 2016 as prayed.

DATED, DELIVERED AND SIGNED IN MACHAKOS THIS 26TH DAY OF JANUARY, 2018.

O.A. ANGOTE

JUDGE