



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO 308 OF 2015

GICHEMI NJUGUNA.....PLAINTIFF

VERSUS

BRENDAN KIMANI KAMANU.....1ST DEFENDANT

MWATHI NDIBARU.....2ND DEFENDANT

RULING

(Application for substitution of the deceased plaintiff; claim being for adverse possession which can be continued on behalf of the estate of the deceased; applicant holding a grant of letters of administration ad litem; application allowed).

1. The application before me is that dated 4 September 2017 filed by one Paul Mwangi Gichemi. It is an application brought pursuant to the provisions of Order 24 Rule 3 of the Civil Procedure Rules, and in the said application, the said applicant wishes to be substituted for the plaintiff, Gichemi Njuguna, who is said to be deceased.
2. The suit itself was commenced by way of Originating Summons vide which Gichemi Njuguna sought a declaration that he is entitled to ownership of the land parcels Bahati/Kabatini Block 1/742 - 753, by way of adverse possession. That claim can be continued for the benefit of his estate.
3. In this application, the applicant has annexed a copy of a Certificate of Death, which shows that the original plaintiff died on 9 December 2015. He has also annexed a copy of a grant of letters of administration ad litem, vide which he has been granted permission to represent the estate of the deceased in this case.
4. The application is not opposed and I have no reason to decline it.
5. I do allow it and do order that the applicant be substituted in place of the deceased plaintiff and to continue this suit on behalf of the estate of the deceased plaintiff.
6. I make no orders as to costs.
7. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 18th day of April 2018.

JUSTICE MUNYAO SILA

ENVIRONMENT & LAND COURT AT NAKURU

In presence of: -

Mr. Kibet instructed by M/s Mirugi Kariuki & Co. Advocates, for the applicant.

Ms. Cheruto holding brief for M/s Njeri Njagua & Co. Advocates for the defendant.

Court Assistant : Carlton Toroitich

JUSTICE MUNYAO SILA

ENVIRONMENT & LAND COURT AT NAKURU