



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MERU ELC CASE NO. 191 OF 2012

M'MARETE M'MUKUL.....PLAINTIFF

VERSUS

M'ARITHI M'KUGWIRIA.....DEFENDANT

RULING

1. This application is dated **25th January, 2018** and seeks the following orders:

1. That Titus Murithi Arithi & Terah Kirimi Arithi be substituted as the legal representatives of the estate of M'Arithi M'Kugwiria – Deceased as the defendant is (sic) in the case.

2. That the costs of this application be provided for.

2. The application has the following grounds:

a) That the deceased **M'ARITHI M'KUGWIRIA** was the defendant in the above case and died on **29th August, 2016** before **E & L No. 191 of 2012** was finalized.

b) That **TITUS MURITHI ARITHI & TERAH KIRIMI ARITHI** are the sons of the deceased and the defendant and are willing to be substituted in this matter which is pending for judgment.

c) That we have taken out Limited Grant of Administration **AD-LITEM** of the estate of the deceased **M'ARITHI M'KUGWIRIA** for the purposes of proceeding with this matter.

3. The application is supported by the affidavit of **TERAH KIRIMI ARITHI** sworn on **25th January, 2018** AND which states:-

I, **TERAH KIRIMI ARITHI** OF **P. O. BOX 2387-60200 MERU** do hereby make oath and state as follows:-

1. That I and **TITUS MURITHI ARITHI** are the sons of the deceased **M'ARITHI M'KUGWIRIA** and I swear this affidavit on my behalf and that of my brother **TITUS MURITHI ARITHI**.

2. That the said **M'Arithi M'Kugwiria** died on **29th August, 2016** and left a pending case No. **191 of 2012** where he was the defendant (annexed is a death certificate marked "**TKA 1**").

3. That the plaintiff had sued our father claiming land as per attached plaint marked "**TKA2**" and our father filed defence denying the claim as per defence marked "**TKA3**".

4. That we have obtained limited letters of administration of the estate of the deceased for the purposes of proceeding with the matter (annexed is the same marked "**TKA4**").

5. That I am informed by my advocate on record that submissions were filed and what is remaining now is only judgment.

6. That it is my prayer that we be allowed to substitute our father in this matter.

7. That all what is deponed to above is true to the best of my knowledge, information and belief.

4. When the application came up for interpartes hearing on **14th March, 2018**, it transpired that it was not opposed.
5. In the circumstances, this application is allowed.
6. Costs shall be in the cause.

Delivered in open court at Chuka this 16th day of April, 2018 in the presence of:

CA: Ndegwa

Miss Kiome for defendant/applicant

M'Marete Mukui – plaintiff

P.M. NJORGE

JUDGE