



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAKURU**

**ELC NO. 18 OF 2013**

**STEPHEN KARERI MWANGI** (Suing as the Attorney ( Donee) of LOICE WANGIMA  
MWANGI.....**PLAINTIFF**

**VERSUS**

**EGERTON UNIVERSITY.....DEFENDANT**

**RULING**

***(Application for substitution of deceased plaintiff; application allowed).***

1. The application before me is that dated 22 June 2018 and which seeks the substitution of the plaintiff who is said to be deceased.
2. The suit itself was commenced through a plaint filed on 9 December 2010. The suit was filed by Stephen Kareri Mwangi, who described that he was suing as the Attorney (donee) of Loice Wangima Mwangi, through a power of attorney registered on 31 January 2008. In the plaint, it is pleaded that the defendant leased the land parcel Njoro/Njoro 5/64 (Ngundu) from Loice Wangima for a period of 5 years, but after expiry of this term, the defendant continued to occupy the said land, until the year 2004 when it procured a title in its name, which is contended to have been done fraudulently. In the suit, the plaintiff wished to have the defendant's title to the suit land cancelled and it be declared that the land belongs to Loise Wangima. The defendant entered appearance and filed defence and averred that it purchased the suit land from the plaintiff for consideration. It denied having acquired title through fraud.
3. In this application, Stephen Kareri Mwangi, has deposed that Loise Wangima Mwangi, died on 21 July 2017. He has averred that he has obtained a limited grant of letters of administration ad litem which he displayed in his application.
4. The application is not opposed and I have no reason to deny it. It is apparent to me that the cause of action survives the demise of the plaintiff and can be continued on behalf of her estate. The applicant holds a grants of letters of administration ad litem and therefore has capacity to continue the said suit. I therefore allow the application for substitution of the deceased plaintiff. I make no orders as to costs.
5. It is so ordered.

**Dated, signed and delivered in open court at Nakuru this 11<sup>th</sup> day of October 2018.**

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**

**In presence of: -**

Mr.Maina holding brief for Ms. Mugweru for the plaintiff/applicant.

Mr. Akang'o holding brief for Mr. Kisilah for the defendant.

Court Assistant: Nelima Janepher.

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**