



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 54 OF 2017

FORMERLY MERU ELC CASE NO.285 OF 2016

EMILIO MPUTHIA MUTIRIA.....PLAINTIFF

VERSUS

BASILIO GITONGA KIRIMI SEBASTIAN.....1ST DEFENDANT

WILFREND KIRUJA KATHENDU.....2ND DEFENDANT

ELIAS NDEKE MUCHEKE.....3RD DEFENDANT

LAWRENCE KIBAARA GITONGA.....4TH DEFENDANT

JOSEPH MWIRIGI KIRIMI.....APPLICANT

RULING

1. This application is dated **21st June, 2017** and seeks orders that:

1. The Honourable Court be pleased to substitute BASILIO GITONGA KIRIMI SEBASTIAN (deceased) with his son JOSEPH MWIRIGI KIRIMI as first defendant.

2. Costs be in the cause.

2. The application is supported by the affidavit of JOSEPH MWIRIGI KIRIMI and has the following ground:

(a) That the 1st defendant is deceased and needs to be substituted.

3. Mr. Mutani for the defendants urged the court, even without the presence of the plaintiff's advocate to allow the application as it is merely procedural in that it sought the substitution of the 1st defendant with his son. He opined that the estate of the deceased 1st defendant was entitled to be enjoined to enable it to protect its rights.

4. To save time and to enable the suit to be heard expeditiously, and since this application is merely procedural, I find that it is meritorious.

5. In the circumstances, it is allowed.

6. Cost shall be in the cause.

7. It is so ordered.

Delivered in open court at Chuka this **28th day of June, 2017** in the presence of:

CA: Ndegwa

Mutani for the defendants

P. M. NJOROGE

JUDGE