



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO 03 OF 2017

FORMERLY MERU ELC [CA]CASE NO. 54 OF 2011

M'BITA NTIRO.....1ST APPELLANT

VERSUS

MBAE MWIRICHIA.....1ST RESPONDENT

COUNTY GOVERNMENT OF THARAKA NITHI.....2ND RESPONDENT

RULING

1. This application is dated 13th November, 2017 and seeks orders:

1.That this honourable court be pleased to join KENNETH MUGO M'BITA as the appellant in this suit in lieu of M'BITA NTIRO (deceased).

2.That cost be in the cause.

2. The application has the following grounds:

(a) That the appellant herein is deceased having died on 6th February, 2017.

(b) That the applicant is the legal representative of the deceased appellant having been issued with letters of administration ad litem on 13th November, 2017 vide CHUKA MISC SUCC CAUSE NO. 33 OF 2017.

3. The application was prosecuted by Mr. I. C. Mugo on 14th November, 2017. Advocate Gikunda, for the defunct County Council of Meru South was in court but he did not oppose the application.

4. I find that the application is merely procedural in that it intends to bring in a new plaintiff instead of the deceased one.

5. The application is allowed.

6. Mr. I. C. Mugo, the plaintiff's advocate is granted 30 days to have the defunct 2nd respondent substituted.

7. The plaintiff's advocate, Mr. I.C. Mugo, is directed to serve the 1st respondents' advocate with the next

date for directions.

8. Costs shall be in the case.

9. Directions to be taken on 5.2.2018.

10. It is so ordered.

Delivered in open court at Chuka this **14th day of July, 2017** in the presence of:

CA: Ndegwa

I.C. Mugo for the Plaintiff

Gikunda Anampiu for 2nd Respondent

P.M. NJOROGE

JUDGE