

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC [CA] 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 suit was listed for dismissal on 13.7.2017 when Mr Kiautha Arithi, for the respondent asked the court to give the appellant's advocate Mr. I.C. Mugo 30 days to substitute the deceased appellant.
2. In the interests of justice, I grant the appellant's advocate 30 days to substitute the appellant. This period should be adequate since the advocate has since January, 2017 known that the appellant was deceased.
3. Mr Kiautha Arithi the respondent's advocate is ordered to bring to the attention of the appellant's advocate the orders issued by the court today. Concurrently the son of the deceased appellant, Kenneth Mugo M'bita, who is in court today, should inform Mr. I.C. Mugo that the court has ordered that the appellant be substituted within 30 days of today and that the parties will be back in court for directions on 23.10.2017.
4. It is so ordered.

Delivered in open court at Chuka this **13th day of July, 2017** in the presence of:

CA: Ndegwa

Kiautha Arithi for the Respondents

Kenneth Mugo s/o deceased appellant

P.M. NJOROGE

JUDGE