

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

E.L.C. CASE NO. 1419 OF 2016

(FORMERLY HCCC NO. 206 OF 1998)

STEPHEN GIKONYO GATHUGWA.....PLAINTIFF

VERSUS

RUAKA SABUNI DEVELOPMENT COMPANY.....1ST DEFENDANT

NJOROGE KAMAU.....2ND DEFENDANT

RULING

In the application dated 24/11/2016, the Plaintiff seeks to have the time required for substituting the 2nd Defendant who is deceased enlarged. The Plaintiff seeks to have the 2nd Defendant substituted by Rose Njambi Njoroge who is the Administrator of his estate. The application is supported by the Plaintiff's affidavit in which he states that he learnt of the 2nd Defendant's death on 9/11/2016. The 2nd Defendant's advocate swore the replying affidavit. He states that he has tried to get in touch with the family of his deceased client without success and that he therefore has no further instructions to act in the matter.

The court has studied the file and notes that the suit was dismissed on 25/2/2015. The Plaintiff filed the application dated 17/8/2016 seeking to set aside the order for dismissal. That application was never prosecuted. The court need not consider the application for enlargement of time to substitute the 2nd Defendant since the suit stands dismissed. The application dated 24/11/2016 is dismissed with no orders as to costs.

Dated and delivered at Nairobi this 21st September 2017.

K. BOR

JUDGE

In the presence of: -

Mr. Busiega for the Plaintiff

No appearance for the Defendant

Mr. V. Owuor- Court Assistant