



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT MERU**

**ELC CASE NO. 157 OF 1996**

**M'ITWAMWARI M'MWIRICHIA.....PLAINTIFF**

**VERSUS**

**M'MUNGIRIA M'THURA .....1<sup>ST</sup> DEFENDANT**

**JOSPHINE KINANU.....2<sup>ND</sup> DEFENDANT**

**R U L I N G**

1. The Notice of Motion dated 19<sup>th</sup> June, 2017 seeks the following orders:-

a) TERESA MUNGIRIA be made a party in this suit as the legal representative of the 1<sup>st</sup> defendant (deceased) herein for purposes of this suit.

b) Costs of this application be in the cause.

2. The Application is based in the grounds that:-

a) The 1<sup>st</sup> defendant died on 10/5/2015 and Teresa Mungiria has been appointed his legal representative vide CMCC Misc Succ Cause No. 43 of 2017.

3. There is a Supporting Affidavit of the Applicant (Plaintiff) whereby he has annexed a copy of the grant issued to one Teresa Mungiria.

The Respondent (Teresa Mungira) has filed a Replying Affidavit where she states that her and her family know nothing about this case.

I find that Respondent has not denied that she is now the legal representative of the estate of M'Mungira M'Thura. If anything, she has admitted that she is wife of deceased.

In the circumstances, I find that she is the proper person to be enjoined in this suit.

The application is hence allowed as drawn, with no orders as to costs.

**DELIVERED, SIGNED AND DATED THIS 24TH OCTOBER, 2017 IN THE PRESENCE OF:-**

CA Janet

Mwiti H/B for Mwangi for Applicant

Teresa Mungiria

**HON. L.N. MBUGUA**

**ELC JUDGE**