



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 89 OF 2017

FORMERLY MERU ELC CASE NO.410 OF 1991

GILBERT KATHENYA MUKUNGI.....PLAINTIFF

VERSUS

MWIANDI KAIMBIRU..... DEFENDANT

EVANGELINE KANYUA MWIANDI.....INTERESTED PARTY

RULING

1. This application is dated 20th August, 2016 and seeks the following orders:

1. This application be certified urgent and be heard on priority basis.
2. That the interested party herein Evangeline Kanyua Mwiandi be joined as legal representative of the deceased defendant (sic) continue with the suit which is almost finalized.
3. That the costs of this application be provided for.

2. The application has the following grounds:

- a. That the interested party had refused to take up grant to represent her deceased husband the defendant.
- b. That the issue ended up with citations as per Chuka CM Succession Cause No. 184 of 2013, HCCC Succ Cause No. 280 of 2014 at Meru.
- c. That the interested party has now been issued with temporary letters of administration in HCC. Succession Cause No. 552 of 2014.
- d. That she should now of necessity be appointed to represent the deceased defendant so that this matter is finalized.

3. The plaintiff's advocate prosecuted the application and urged the court to have it allowed as it was not opposed. He also told the court that by allowing the application this would facilitate expeditious disposal of the suit.

4. I agree.

5. The application is allowed with the effect that Evangeline Kanyua Mwiandi is enjoined in this suit as the legal representative of the deceased defendant.

6. Costs shall be in the cause.

7. It is so ordered.

Delivered in open court at Chuka this **15th day of November, 2017** in the presence of:

CA: Ndegwa

Rimita for the plaintiff

Mutura for the defendant

P. M. NJOROGI,

JUDGE.