

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. On 15.11.2017, Mr. Rimita, the plaintiff's advocate made an oral application that this suit be revived against the defendant so that the plaintiff would be allowed to enjoin Evangeline Kanyua Mwiandi as the legal representative of the deceased defendant.
2. Mr. Mutura opposed the application for the reason that the defendant was long dead.
3. I have considered the application and I find that the preponderance of justice and convenience tilts towards ordering revival of the suit.
4. I order revival of the suit as authorized by order 24 Rule 7(2).
5. Costs shall be in the suit.
6. 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. NJOROGE,

JUDGE.