



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

HCCC 77 OF 2011

ROSEBELLA JERUNO MUDAVIDI & 7 OTHERS.....PLAINTIFF

VERSUS

DAVID KARIUKI WAIGANJO & 4 OTHERS.....DEFENDANT

RULING

(Application for substitution with one holding a power of attorney; application not opposed; application allowed).

1. The application before me is that dated 12 October 2015. It is said to be brought pursuant to the provisions of Sections 3A, 63(e) of the Civil Procedure Act, Cap 21, Laws of Kenya, and Order 51 Rule 1 of the Civil Procedure Rules. It seeks the following prayer :-

That the Honourable Court be pleased to substitute the name of the 1st plaintiff Rosebella Jerono Mudavadi who is now old and sickly with the name of Joseph Mojong Comoe who received the power of Attorney to continue with this matter involving the land parcel number Miti Mingi /Mbaruk / Block 3/ 788 (Barut).

2. In the grounds in support of the application and in the supporting affidavit sworn by the applicant, it is stated that the said Rosebella has donated to the applicant a Power of Attorney over the land parcel Miti Mingi/Mbaruk Block 3/788 (Barut). There is a Power of Attorney annexed to the supporting affidavit which I have looked at. It is dated 1 July 2011 and was registered on 14 October 2013. It appears to be a Power of Attorney specific to the land parcel Miti Mingi/Mbaruk Block 3/788 (Barut). It shows that Rosebella Jerono Mudavadi has donated to Joseph Mojong Comoe her power of attorney over the said property.

3. I have no problem allowing the application which is not opposed. I hereby allow the application and permit the substitution of the 1st plaintiff for the applicant herein.

4. I make no orders as to costs.

5. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 3rd day of March, 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of : -

Mr. Ateya present for plaintiffs/applicant

No appearance on part of defendants

CA: Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU