



**Mwici v Mwici (Environment & Land Case 139 of 2015)
[2015] KEELC 842 (KLR) (23 October 2015) (Ruling)**

Magdaline Nduta Mwici v Anna Wanjiku Mwici [2015] eKLR

Neutral citation: [2015] KEELC 842 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 139 OF 2015**

LN GACHERU, J

OCTOBER 23, 2015

BETWEEN

MAGDALINE NDUTA MWICIGI PLAINTIFF

AND

ANNA WANJIKU MWICIGI DEFENDANT

RULING

1. The application before me is dated 10th April 2015 and brought under Order 9 of the Civil Procedure Rules. Edward Mwangi, the applicant seeks leave of the Court to come on record on behalf of the Plaintiff. The application is premised on grounds that the Plaintiff, vide a General Power of Attorney authorized the Applicant to act on her behalf in the suit. The Defendant did not put a response to this application, though duly served.
2. I have perused the Power of Attorney appointing the Applicant. It is dated 14th February 2015 and drawn in the presence of M/s Rumba Kinuthia & Co. Advocates. The Power of Attorney was presented for registration on 31st March 2015 and registered in the Lands Registry as IR/A 63620/1. Order 9 of the Civil Procedure Rules provides for recognized agents and advocates. Rule 1 provides that an application, appearance or act in court is done by a party acting in person, his recognized agent or by an advocate duly appointed to act on his behalf. Recognized agents, pursuant to Rule 2(a), are persons holding powers of attorney authorizing them to make such appearances and applications and do such acts on behalf of parties. It reads:
 2. The recognized agents of parties by whom such appearances, applications and acts may be made or done are –
 - (a) Subject to the approval by the court in any particular suit persons holding powers of attorney authorizing them to make such acts on behalf of parties."



3. In the view of the executed and registered General Power of Attorney, the Applicant qualifies as a recognized agent on behalf of the Plaintiff in accordance with Order 9 Rules 1 and 2. The application is hereby allowed.

It is so ordered.

DATED, SIGNED AND DELIVERED THIS 23RD DAY OF OCTOBER, 2015.

L. GACHERU

JUDGE

In the Presence of:-

None attendance for the Plaintiff

None attendance for the Defendant

Nyangweso: Court Clerk

L. GACHERU

JUDGE

23/10/2015

