



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT ELDORET

E&L NO. 404 OF 2013

KAPTINGEI CHEMGOR AND 40 OTHERS..... PLAINTIFF

VS

NOAH KIMNGENY CHELUGUI.....1ST DEFENDANT

STANLEY ARAP METTO.....2ND DEFENDANT

RAMJI D. VEKARIA.....3RD DEFENDANT

(Application for substitution of a deceased party; application not opposed; application allowed)

RULING

The application before me is that dated 10 October 2014 filed by Susan Chelugui and David Chelugui. It is an application brought pursuant to the provisions of Order 51 Rule 1, Order 24 Rule 4(1) and Section 3A of the Civil Procedure Act. The two applicants want to be substituted for the 1st defendant who is deceased.

I have seen that the applicants hold a confirmed grant of letters of administration of the estate of the deceased.

All other parties have no problem with the application being allowed and on my part I see no reason to deny it.

I therefore allow the application and order Susan Chelugui and David Chelugui to be substituted for Noah Chelugui as the 1st defendant and henceforth any reference to the 1st defendant will be reference to to the 2 applicants.

The costs of the application shall be costs in the cause.

DATED AND DELIVERED AT ELDORET THIS 29TH DAY OF OCTOBER 2014

JUSTICE MUNYAO SILA

ENVIRONMENT AND LAND COURT AT ELDORET

Delivered in the presence of:

Mr. S.K. Lel for 1st plaintiff.

Mr. J.N. Njuguna for 2nd and 1st plaintiffs.

Mr. C.D. Nyamweya holding brief for Mr. Kibichy for 1st defendant.

N/A for M/s R.K. Limo for 2nd defendant.

Mr. H.O. Aseso present for 3rd defendant.