

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT ELDORET

E&L 184 OF 2013

Formerly HCC 184 OF 2010

KIPKEMEI ARAP SONGOK.....PLAINTIFF

VS

BARCLAYS BANK OF KENYA LTD.....DEFENDANT

(Application to substitute deceased plaintiff; application allowed)

RULING

The application before me is that dated 19 May 2014. It seeks orders to substitute William Kiprop Sile for Kipkemei arap Songok who is now deceased.

The original plaintiff, Kipkemei arap Songok (deceased) filed this suit on 23 December 2010. In the plaint, he pleaded that he is the owner of the land parcels Ngeria/Kesses Block 1 (Cheptabach)/59; Ngeria/Kesses Block 2 (Ongata)/81; Sergoit/Kelji Block 1 (Ngochoi)/10; and Moiben/ Kapsummer Block 1 (Tachasis)/1. These properties were at some point charged to the defendant bank. On 7 December 2010, the bank intimated that it wanted to proceed to exercise its statutory power of sale. That is what prompted this suit.

I have looked at the application and the affidavit. From the same, I can discern that the original plaintiff died on 1 October 2013. The applicant William Kiprop Sile is son to the deceased plaintiff. He has obtained a Grant of Letters of Administration Ad Litem which were issued on 3 April 2014, allowing him to prosecute this suit.

I see no reason why I should decline the application. It is hereby allowed. I order William Kiprop Sile to be substituted for Kipkemei arap Songok (deceased). I further direct that the plaint be amended to reflect this position. The Amended Plaint should be filed and served within 15 days from today. The costs of the application shall be costs in the cause.

It is so ordered.

DATED AND DELIVERED AT ELDORET THIS 8TH DAY OF OCTOBER 2014

JUSTICE MUNYAO SILA

ENVIRONMENT AND LAND COURT AT ELDORET

Delivered in the presence of:

Delivered in the presence of:

Mr. Onkoba holding brief for Mr. Chepkwony for plaintiff/applicant.

N/A for M/s Mohammed & Muigai for defendant/respondent.