



REPUBLIC OF KENYA



Muturura v Gatanga Constituency Development Fund & another (Civil Appeal (Application) 321 of 2019) [2025] KECA 1248 (KLR) (27 June 2025) (Ruling)

Neutral citation: [2025] KECA 1248 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CIVIL APPEAL (APPLICATION) 321 OF 2019
S OLE KANTAI, JA
JUNE 27, 2025**

BETWEEN

MARTHA NJOKI MUTURURA APPLICANT

AND

GATANGA CONSTITUENCY DEVELOPMENT FUND 1ST RESPONDENT

THE ATTORNEY GENERAL 2ND RESPONDENT

(An application for substitution of the appellant against the Judgment of the Environment and Land Court at Muranga (J.G. Kemei, J.) delivered on 9th October, 2019 in E.L.C. No. 405 of 2017)

RULING

1. It is prayed in the Motion which is brought under the wrong provisions of law that Virginia Wambui Kahiga be substituted in the place of the appellant Martha Njoki Muturura who is said to have died on 8th September, 2021 while the appeal was pending.
2. Virginia depones that the appellant was her mother; that she has been appointed the administratrix of the estate in Kandara Succession Cause No. E346 of 2022. She has annexed appropriate documents in support of the Motion which is dated 15th May, 2025.
3. I have seen a hearing notice dated 18th June, 2025 where parties were notified of the hearing date and required to file written submissions but I have not seen any submissions by any of the parties.
4. Rule 102 of the Court of Appeal Rules allows for substitution of a party to an appeal where an appellant or a respondent to an appeal dies. I am told that the appellant here died and her daughter who has obtained letters of administration would like to take over the appeal. She is entitled to do so and I so order. The appellant in this appeal will henceforth be Virginia Wambui Kahiga. I make no order on costs.



DATED AND DELIVERED AT NYERI THIS 27TH DAY OF JUNE, 2025.

S. ole KANTAI

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

