



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Muthuri & another v Karigi (Civil Application 126 of 2019)  
[2022] KECA 456 (KLR) (18 March 2022) (Ruling)**

Neutral citation: [2022] KECA 456 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CIVIL APPLICATION 126 OF 2019  
KI LAIBUTA, JA  
MARCH 18, 2022**

**BETWEEN**

**DANIEL MUTHURI ..... 1<sup>ST</sup> APPLICANT**

**BENSON KINOTI ..... 2<sup>ND</sup> APPLICANT**

**AND**

**M'IKIARA KARIGI ..... RESPONDENT**

*(Being an application to Substitute for the Respondent in an appeal against the Ruling of the Environment and Land Court at Meru (Lucy N. Mbugua, J.) delivered on 3rd October 2018 in Environment and Land Court Case No. 77 of 2004)*

**RULING**

1. By a Notice of Motion dated 19<sup>th</sup> October 2021 and erroneously made under Rule 96 of the [Court of Appeal Rules](#) (which relates to withdrawal of appeal), Joshua Mwenda Ikiara prays for: an order allowing him to substitute for the deceased respondent, who died on 26<sup>th</sup> June 2021, and proceed with this appeal; an order that Joshua Mwenda Ikiara be made a party hereto; and that costs of his application be in the cause.
2. Having read Joshua Mwenda Ikiara's Motion and the grounds on which it is made, his supporting affidavit sworn on 19<sup>th</sup> October 2021, the annexed certificate of death of M'Ikiara Karigi (the respondent herein), the Limited Grant of Letters of Administration Ad Litem issued to Joshua Mwenda Ikiara on 26<sup>th</sup> August 2021 and appreciate their self-explanatory contents; and having considered the written submissions of learned counsel for the respondent; and having further noted that Joshua Mwenda Ikiara's Motion is not opposed, The Notice of Motion dated 19<sup>th</sup> October 2021 is hereby allowed in accordance with Rule 99 of the Court of Appeal Rules. There be no orders as to costs.



DATED AND DELIVERED AT NAIROBI THIS 18<sup>TH</sup> DAY OF MARCH, 2022

DR. K. I. LAIBUTA

.....

JUDGE OF APPEAL

*I certify that this is a true copy of the original*

*Signed*

**DEPUTY REGISTRAR**

