



REPUBLIC OF KENYA



**KENYA LAW**  
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**Sidhu & another (Executors of the Estate of Raghbir Singh Sidhu) v Tenai & 6 others  
(Civil Application 106 of 2019) [2022] KECA 1218 (KLR) (4 November 2022) (Ruling)**

Neutral citation: [2022] KECA 1218 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CIVIL APPLICATION 106 OF 2019  
F TUIYOTT, JA  
NOVEMBER 4, 2022**

**BETWEEN**

**DAVINDER KAUR SIDHU ..... 1<sup>ST</sup> APPLICANT  
SANJEEV PATEL ..... 2<sup>ND</sup> APPLICANT  
EXECUTORS OF THE ESTATE OF RAGHBIR SINGH SIDHU**

**AND**

**GEOFFREY TENAI ..... 1<sup>ST</sup> RESPONDENT  
RAGHBIR SINGH SIDHU ..... 2<sup>ND</sup> RESPONDENT  
KIPKEMBOI ARAP KOSKEI ..... 3<sup>RD</sup> RESPONDENT  
COMMISSIONER OF LANDS ..... 4<sup>TH</sup> RESPONDENT  
THE COUNTY LAND REGISTRAR ..... 5<sup>TH</sup> RESPONDENT  
NATIONAL LAND COMMISSION ..... 6<sup>TH</sup> RESPONDENT  
THE ATTORNEY GENERAL ..... 7<sup>TH</sup> RESPONDENT**

*(Being an Application to substitute the 1st Respondent, Raghbir Singh Sidhu from the Judgment of the Environment and Land Court of Kenya at Eldoret (A. Ombwayo, J) Dated 21st December, 2019 in Eldoret ELC No. 200 of 2015)*

**RULING**

1. The notice of motion dated June 10, 2022 is for allowing. It seeks that Davinder Kaur Sidhu (Davinder) and Sanjeev Patel (Sanjeev) be made party to this appeal in place of the 1<sup>st</sup> respondent, Raghbir Singh Sidhu (Raghbir).



2. Raghbir died on April 3, 2021 at 7 Waratah Mews, Hillarys, Western Australia. He was 75 years at the date of his death. Davinder and Sanjeev are personal representatives of his estate, grant of probate of will having issued to them on November 3, 2021 in Eldoret Succession Cause No. 23 of 2021. All these information is in the joint affidavit of Davinder and Sanjeev sworn on June 12, 2022 and is not controverted as no response to the application was filed.
3. The application for substitution is brought within a year of the death of Raghbir and the appeal has not abated (Rule 99 of our Rules (now Rule 102)) and is therefore merited. I allow the notice of motion dated June 10, 2022, no order on costs.

**DATED AND DELIVERED AT KISUMU THIS 4TH DAY OF NOVEMBER, 2022.**

**F. TUIYOTT**

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**JUDGE OF APPEAL**

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

*SIGNED*

**DEPUTY REGISTRAR.**

