



**Kimuri v Commissioner of Lands & 5 others (Civil Application
26 of 2016) [2021] KECA 361 (KLR) (17 December 2021) (Ruling)**

Neutral citation: [2021] KECA 361 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CIVIL APPLICATION 26 OF 2016
DK MUSINGA, JA
DECEMBER 17, 2021**

BETWEEN

WILSON THEURI KIMURI APPLICANT

AND

COMMISSIONER OF LANDS 1ST RESPONDENT

CHIEF LANDS REGISTRAR 2ND RESPONDENT

MUNICIPAL COUNCIL OF NANYUKI 3RD RESPONDENT

JENIFFERKOINANTEKIHORO 4TH RESPONDENT

MARY MUMBIGITHINJI 5TH RESPONDENT

JOSEPH WACHIRAGITHINJI 6TH RESPONDENT

*(Being an appeal against the judgment and Decree of Hon. Mr. Justice A. Ombwayo, J. dated
11th August, 2015 and delivered on 22nd September, 2015 in Misc. Appl.No.4 of 2013)*

RULING

1. The applicant's Notice of Motion dated 13th November 2017 seeks an order for substitution of the 3rd respondent, Municipal Council of Nanyuki by the County Government of Laikipia. The application is brought on grounds that the 3rd respondent is an entity that is defunct pursuant to coming into force of the *Constitution of Kenya, 2010* that repealed the *Local Government Act Cap 265* of the Laws of Kenya; that the County Government of Laikipia is the successor in title and in law of the 3rd respondent and therefore it is only proper that the 3rd respondent be substituted by the County Government of Laikipia.
2. The application is not opposed. I am satisfied that the same is well founded and I grant the orders as sought.



DATED AND DELIVERED at NAIROBI this 17th day of December, 2021

D. MUSINGA (P)

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

