



**Ngaari v Chebii & another; Chebii (As Administrator of the Estate of Martha Kabon Chebii) (Applicant) (Environment & Land Case 169 of 2017) [2024] KEELC 3306 (KLR) (23 April 2024) (Directions)**

Neutral citation: [2024] KEELC 3306 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE 169 OF 2017**

**FM NJOROGE, J  
APRIL 23, 2024**

**BETWEEN**

**JAMLICK MURIUKI NGAARI ..... APPLICANT**

**AND**

**MARTHA KABON CHEBII ..... 1<sup>ST</sup> RESPONDENT**

**LAND REGISTRAR NAKURU ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**HENRY K. CHEBII (AS ADMINISTRATOR OF THE ESTATE OF MARTHA KABON CHEBII) ..... APPLICANT**

**DIRECTIONS**

1. The present suit was heard on 18/11/2024. The matter came up on 29/1/2024 when the Hon Justice Ombwayo directed that the matter be placed before me for the preparation of judgment. I have examined the record for that day and found that Mr Maina for the defendant had stated that there is an application dated 29/6/2023 on the record which needed to be disposed of. The order that the matter be placed before me was nevertheless made. However, it is noteworthy that Mr Mwangi for the plaintiff indicated to court that he had not been served with the application and this was not controverted by the defendant. I have also noted that the application seeks to have the applicant be substituted for the original plaintiff who is said to be deceased, and that the order closing the 1<sup>st</sup> defendant’s case be reviewed and set aside to pave the way for the hearing of the 1<sup>st</sup> defendant’s case. That application can not be wished away and its outcome can not be foretold and it is thus not possible to write judgment while it is pending.
2. I have considered the circumstances surrounding the application, least not being that I, having proceeded on transfer to Malindi, should allow the application be heard at Nakuru so that in the event



it is granted the matter can proceed from where it stopped. For that reason, I hereby direct that this file be returned to Nakuru for the hearing of the application and so that the matter may be disposed of with finality at that station whatever the outcome of the trial of the application will be.

**DIRECTIONS DATED, SIGNED AND ISSUED AT MALINDI VIA ELECTRONIC MAIL ON THIS 23<sup>RD</sup> DAY OF APRIL, 2024.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI**

