



**Ngugi (Suing in Her Own Capacity and as The Administrator of the Estate of Leonard Ernest Ngugi - Deceased) v Kibinda & another (Environment & Land Case E226 of 2023) [2024] KEELC 5585 (KLR) (16 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 5585 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE E226 OF 2023**

**LN MBUGUA, J  
JULY 16, 2024**

**BETWEEN**

**SARAH NJOKI NGUGI (SUING IN HER OWN CAPACITY AND AS THE ADMINISTRATOR OF THE ESTATE OF LEONARD ERNEST NGUGI - DECEASED) ..... PLAINTIFF**

**AND**

**ESTATE OF PETER MBURU KIBINDA - DECEASED SUED THROUGH ADMINISTRATOR & LEGAL REPRESENTATIVE OF ANN NJERI MBURU KIBINDA ..... 1<sup>ST</sup> DEFENDANT  
PERM ENTERPRISES LIMITED ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. This ruling relates to the application dated 1.7.2024 where applicant prays to be allowed to give the evidence de bene esse an account of her age. She is alleged to be 91 years.
2. In opposing the application, the respondents vide the Replying Affidavit dated 12.7.2024 of the 2<sup>nd</sup> defendant, argue that there is no medical report to indicate that the applicant deserves the orders sought.
3. Having considered all the arguments raised herein, I find that there is no dispute that the applicant is over 90 years. It is the finding of this court that she is in the bracket of persons known as nonagenarians (the 90-99 years old). I take judicial notice that such persons are in their sunset years, hence it is imperative that their evidence be taken expeditiously. In that regard, I allow the application with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16<sup>TH</sup> DAY OF JULY, 2024 THROUGH MICROSOFT TEAMS.**



**LUCY N. MBUGUA**

**JUDGE**

In the presence of:-

Kinyua for Respondent

Mrs. Wambugu for Applicant

Court assistant: Joan

