



**Leebarn Builders Limited v Kenya Bankers' Savings and Credit Co-operative Society Limited
(Environment & Land Case 371 of 2012) [2023] KEELC 17142 (KLR) (25 April 2023) (Ruling)**

Neutral citation: [2023] KEELC 17142 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 371 OF 2012**

**LN MBUGUA, J
APRIL 25, 2023**

BETWEEN

LEEARN BUILDERS LIMITED PLAINTIFF

AND

**KENYA BANKERS' SAVINGS AND CREDIT CO-OPERATIVE SOCIETY
LIMITED DEFENDANT**

RULING

1. I have perused the record. I find that on July 18, 2022 when the actual trial commenced, I undertook a case management exercise whereby advocates for the parties were required to identify their pleadings, their witness statements and documentary evidence. Counsel for defence had indicated that they would rely on their Trial Bundle dated May 30, 2022. With that, the plaintiffs case commenced, eventually being closed on December 6, 2022.
2. The defence case commenced on January 24, 2023 and defence counsel reiterated that they would rely on their Trial Bundle dated May 30, 2022. At no time during these dates or thereafter did the defence seek leave to adduce more documents. The introduction of more documents without leave and when the case of the plaintiff has been closed is irregular and unacceptable. See the Supreme Court decision in *Dande & 3 others v DPP & 2 others* (Petition 4 E005 of 2022) KESC 23 KLR (Civ) May 2022 Ruling.
3. In the circumstances the documents allegedly availed by defence in a list dated February 22, 2023 are hereby expunged from the record

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 25TH DAY OF APRIL, 2023 THROUGH MICROSOFT TEAMS.

**LUCY N MBUGUA
JUDGE**



In the presence of:-

M/s Koki Mbulu for Plaintiff

Odhiambo for Defendant

Director of Plaintiff (Mohamud)

Joseph James Okalo (Defendant)

Court assistant: Vanilla

