



**Ntutu v County Government of Narok (Environment & Land Petition
6 of 2018) [2023] KEELC 17497 (KLR) (25 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17497 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAROK
ENVIRONMENT & LAND PETITION 6 OF 2018**

**CG MBOGO, J
MAY 25, 2023**

BETWEEN

KITILAI OLE NTUTU PETITIONER

AND

COUNTY GOVERNMENT OF NAROK RESPONDENT

RULING

1. Before this court for determination is a notice of motion application dated 20th January, 2023 filed by the petitioner and which is expressed to be brought under article 159 of *the Constitution*, sections 1A,1B,3,3A and 63 (c) and (e) of the *Civil Procedure Act* and order 51 rule 1,3,13 (2) of the *Civil Procedure Rules* seeking the following orders: -
 1. spent.
 2. That this honourable court's orders made on the 21st June, 2022 dismissing the suit for non-attendance together with all consequential orders be reviewed, varied and/or set aside.
 3. That the suit herein be reinstated and set down for hearing and determination on merits.
 4. That the costs of this application be in the cause.
2. The application is premised on the grounds on the face of it and supported by the affidavit Allan Liaram Meingati, Advocate for the petitioner which was sworn on even date.
3. On the March 21, 2023, this court directed that the application be canvassed by way of written submissions. None of the parties filed their written submissions. Instead, both parties entered into a consent that was filed in court on April 3, 2023.
4. By consent both parties compromised the instant application vide the said consent.



5. This court, therefore, adopts the consent entered into by the counsel for both parties and filed in court on April 3, 2023 as an order of the court in the following terms.
- i. That the orders dismissing the suit for want of prosecution issued on 21st June, 2022 is hereby set aside.
 - ii. That the suit is hereby reinstated to be set down for hearing and determination on merits.
 - iii. Each party to bear its own costs.
 - iv. Further mention on May 29, 2023 for further directions.

It is so ordered.

DATED, SIGNED & DELIVERED VIA EMAIL ON THIS 25TH DAY OF MAY, 2023.

HON. MBOGO C.G.

JUDGE

25/5/2023.

In the presence of:-

T.Chuma:CA

