



**Leebarn Builders Limited v Kenya Bankers’ Savings and Credit Co-operative Society Limited
(Environment & Land Case 371 of 2012) [2023] KEELC 17477 (KLR) (11 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17477 (KLR)

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

**LN MBUGUA, J
MAY 11, 2023**

BETWEEN

LEEBARN BUILDERS LIMITED PLAINTIFF

AND

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

RULING

1. On April 25, 2023 after DW1 had testified and was cross examined, defence counsel made an application to be allowed to bring in additional witnesses, they also seek leave to bring in a formal application to avail more documents. They argue that plaintiffs had been allowed to bring in more documents which ought to be expunged.
2. The application was opposed by plaintiffs counsel who averred that all along, they were expecting the defendant to rely on their Trial Bundle dated May 30, 2022. That it was only after the cross examination of their witness that the defence are now coming up with the applications to avail more documents and witnesses hence their application is an after thought.
3. I have considered all the arguments raised herein.
4. I find that the issue of production of more documents by the defendants did crop up on April 25, 2023 and the court rendered a ruling thereof on same date. Thus I need not rehash the contents of the said ruling save to emphasize that defendant’s witness statements and documents are contained in their bundle dated May 30, 2019. The only witness listed at page 1 of the said bundle is one Joseph James Okano who has already testified. That being the case, then the defence case stands as closed.
5. The defence doesn’t require leave of this court to file any application they desire to bring forth. As such, the court declines to give any orders on the filing of any proposed formal applications.



DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF MAY, 2023 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of;

Koki Mbulu for Plaintiff

Odhiambo for Defendant

Court Assistant: Eddel

