



REPUBLIC OF KENYA



**Mbau v Attorney General & 2 others; Mbau (Applicant) (Environment & Land
Case 882 of 2017) [2023] KEELC 20903 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20903 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 882 OF 2017
LC KOMINGOI, J
OCTOBER 19, 2023**

BETWEEN

JOYCE WAMBUI MBAU PLAINTIFF

AND

ATTORNEY GENERAL & 2 OTHERS DEFENDANT

AND

KENNEDY MURIGI MBAU APPLICANT

RULING

1. This is the Notice of Motion dated 16th March 2023 brought under;

(Under Sections 1A, 1B, 3 AND 3A of *civil procedure Act*, Order 45 and Order 51, rule 1 of the *Civil Procedure rules* and all other enabling provisions of the Law”
2. It seeks Orders;
 1. Spent.
 2. That this Honourable Court be pleased to set aside the orders made on the 20th day of February 2023.
 3. That this Honourable Court be pleased to reinstate the suit herein.
 4. That costs of the Application provided for.
3. The grounds are on the face of the Application and set out in paragraphs (i) to (vii).
4. The Application is supported by the Kennedy Murigi Mbau, the Applicant herein, sworn on the 15th March 2023.



5. The Application is not opposed.
6. I note that the Applicant was granted Letters of Administration on 17th February 2023.
7. I am satisfied with the reasons given for the delay.
8. I grant the orders sought in terms of prayers No. 2 and 3 of the Notice of Motion. The costs do abide the outcome of the main suit.

SIGNED, DATED AND DELIVERED VIRTUALLY AT KAJIADO THIS 19TH DAY OF OCTOBER 2023.

L. KOMINGOI

JUDGE.

In the presence of:

Mr. Mutali for the Plaintiff/Applicant.

N/A for the Defendants/Respondents.

Court Assistant – Mutisya.

