



Gikunju v Jacinta Njeri t/a Munjethi Investments & 2 others (Environment and Land Case Civil Suit 411 of 2018) [2023] KEELC 20796 (KLR) (18 October 2023) (Ruling)

Neutral citation: [2023] KEELC 20796 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND CASE CIVIL SUIT 411 OF 2018
LN MBUGUA, J
OCTOBER 18, 2023**

BETWEEN

RAPHAEL WANJOHI GIKUNJU PLAINTIFF

AND

JACINTA NJERI T/A MUNJETHI INVESTMENTS 1ST DEFENDANT

GATUNDU MANG’U FARM COMPANY LIMITED 2ND DEFENDANT

KENYA URGAN ROADS AUTHORITY 3RD DEFENDANT

RULING

1. This ruling is in respect of the application made by counsel for 1st and 2nd defendant to the effect that the suit is statute barred. The desires that the court should deal with this issue before the hearing. The application is opposed.
2. I find that Pretrial directions were conducted way back on 21.12.2019 and the matter was certified for hearing. Thereafter, the case was listed for hearing on 18.11.2020, 31.5.2022 and 2.2.2023. In all these instances, the issue now being raised was not mentioned. On 2.2.2023 the court gave directions for further Pretrial Direction to be conducted on 8.6.2023 just to ensure that there were no further issues being raised during the trial. Again on 8.6.2023, the issue was not raised.
3. In the circumstances, the court declines to hear the application of the 1st – 2nd defendants at this stage. Instead, I direct that the issue be raised during submissions.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 18TH DAY OF OCTOBER, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE



In the presence of:-

Githinji for Plaintiff

Fatma for 3rd Defendant

M/s Waweru for 1st & 2nd Defendants

Court Assistant: Eddel

