



Gikunju v Njeri t/a Munjethi Investments & 2 others (Environment & Land Case 411 of 2018) [2023] KEELC 20812 (KLR) (18 October 2023) (Ruling)

Neutral citation: [2023] KEELC 20812 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 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 URBAN ROADS AUTHORITY 3RD DEFENDANT

RULING

2ND Ruling

1. I have considered the objection raised by counsel for the 3rd defendant who prays that the maker of the valuation report should be the one to produce that document.
2. This court makes reference to the provisions of the *Civil Procedure Code* which gives guidance on conduct of pretrial. The court also makes reference to the case of *Virginia Kathambi Maina V. Nicholas Mwatika & others* [2021] eKLR where the court had this to say “practice directions acts as a reflux value to facilitate progress and avoid stagnation in resolution of disputes”.
3. The court went ahead to reject on objection raised regarding the production of documents, stating that such an objection ought to have been raised during the pretrial exercise.
4. As already stated in. In an earlier ruling, pretrial directions were conducted on 18.11.2020 and on 8.6.2023. Even on the date of 2.2.2023 when the matter was listed as a hearing, the court still conducted some form of pretrial exercise.
5. I further make reference to the Practice Directions gazette notice No. 5178 of 25.7.2014 and the one of 11.1.2022 gazette notice No. 189 which guides the court on conduct of pretrial. In particular Section



28 (g) of the practice directions of 25.7.2014 clearly stipulates that the pretrial exercise is the platform upon which objections on production of documents should be conducted.

6. In that regard, the objection raised by counsel for 3rd defendant is dismissed.

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

LUCY N. MBUGUA

JUDGE

