

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC NO. 10 OF 2007

JOSEPH MUTURA MUGAMBI.....PLAINTIFF

VERSUS

RUTERE MWIRIA & 2 OTHERS.....DEFENDANT

RULING

1. Defendant applicant has filed an application dated 31.10.2017 and filed on 1.11.2017), whereby he is seeking to have a review of the orders given earlier on a compliance.
2. The gist of this application is that defence side desires to be given an opportunity to comply with order 11 of the civil procedure rules.
3. The application is opposed. Parties have filed their submissions in respect of the said application.
4. I find that the issues raised by the applicant defendant were adequately covered in my ruling of 27.9.2017.
5. As rightly submitted by the plaintiff/respondent, applicant has not demonstrated that there is discovery of new and important facts which should warrant a review of the court's orders.
6. In the circumstances I find that the application has no merits. The same is dismissed with costs to plaintiff.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 11th APRIL, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Miss Munga holding brief for Mutunga for defendant/applicant – present

Kithinji holding brief for Murango Mwenda for plaintiff - present

HON. LUCY. N. MBUGUA

ELC JUDGE