



REPUBLIC OF KENYA



**KENYA LAW**  
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**Gitonga v Mugoh & another (Environment and Land Appeal  
E007 of 2022) [2023] KEELC 22540 (KLR) (16 November 2023) (Ruling)**

Neutral citation: [2023] KEELC 22540 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT EMBU  
ENVIRONMENT AND LAND APPEAL E007 OF 2022  
A KANIARU, J  
NOVEMBER 16, 2023**

**BETWEEN**

**JOSEPH NDURURI GITONGA ..... APPLICANT**

**AND**

**TISIANO COSMAS MUGOH ..... 1<sup>ST</sup> RESPONDENT**

**JACOB NJERU NDERI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. I am called upon to determine a Notice of Motion dated 26.04.2023 and filed on 02.05.2023. The same has been filed by Joseph Ndururi Gitonga, who was the plaintiff in the lower court case. He is the respondent in the appeal herein. The application does not indicate under what provisions of law it has been brought. The following orders are prayed for:
  - i. That the interested party be barred from sneaking documents in this court having not followed the due process of reinstatement and should obtain an order from this Honorable Court.
  - ii. That costs be provided for.
2. The applicant is not clear in his application as to which specific documents have been sneaked or why he feels that some other documents might be sneaked into the matter. The application is wanting in the necessary details which can enable the court to make an informed decision.
3. I have perused the application together with the supporting affidavit and the responses made therein. In my view the application is devoid of merits. The grounds set out in it are vague and therefore unhelpful. This is understandable since the application has been filed by the applicant in person. The applicant is not represented by counsel. I am inclined to dismiss the application on the basis that it discloses no merits. I hereby dismiss it. Costs to be in the cause.



**RULING DATED, SIGNED AND DELIVERED IN OPEN COURT AT EMBU THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2023.**

Appellant present in person and Respondent present in person.

Court assistant: Leadys

Interpretation: English/Kiswahili

**A.K. KANIARU**

**JUDGE**

**16.11.2023**

