



**Muriithi & 17 others Registered as Oleshua Community Organisation  
v Nyanja & 2 others (Environment & Land Case 774 of 2015)  
[2023] KEELC 22512 (KLR) (20 December 2023) (Ruling)**

Neutral citation: [2023] KEELC 22512 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE 774 OF 2015  
EK WABWOTO, J  
DECEMBER 20, 2023**

**BETWEEN**

**MR. JOHN MURIITHI & 17 OTHERS REGISTERED AS OLESHUA  
COMMUNITY ORGANISATION ..... PLAINTIFF**

**AND**

**HON. GEORGE NYANJA ..... 1<sup>ST</sup> DEFENDANT**

**MWITU ESTATE WATER COMPANY LTD ..... 2<sup>ND</sup> DEFENDANT**

**NAIROBI COUNTY GOVERNMENT ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. The plaintiffs vide their application dated 15<sup>th</sup> November 2023 seeks leave of this court to file an additional document referred to as the letter dated 18<sup>th</sup> May 2023 out of time. The application was supported by an affidavit sworn on 15<sup>th</sup> November 2023 by Ruth Change the secretary of the plaintiff's organization. It was averred that the plaintiffs have obtained the said correspondence which is necessary for the court to arrive at a fair and just determination of the matter.
2. Pursuant to the directions that was issued by this court, it was directed that the application be canvassed by way of written submissions. In compliance with the said directions, the application was subsequently served upon the defendants, the plaintiffs filed written submissions dated 20<sup>th</sup> November 2023, however the no response nor any written submissions in respect to the said application were filed by the defendants despite service.
3. The court has considered the application and the written submissions filed by the plaintiffs. The singular issue for consideration is whether the plaintiff should be granted leave to file the letter dated 18<sup>th</sup> May 2023 out of time.



4. Article 159(2) (b) and (d) of the *Constitution* requires this Court to ensure justice is not delayed and is administered without undue regard to procedural technicalities. The plaintiffs have clearly explained the reason for the delay in filing the letter dated 18<sup>th</sup> May 2023 and there being no objection to the same by the defendants, this court shall proceed to allow the application dated 15<sup>th</sup> November 2023 in the following terms;

- i. The document referred to as the letter dated 18<sup>th</sup> May 2023 to be filed and served upon the defendants within 7 days from today.
- ii. Each party to bear own costs of the application.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 20<sup>TH</sup> DAY OF DECEMBER 2023.**

**E. K. WABWOTO**

**JUDGE**

