

REPUBLIC OF KENYA

IN THE LAND AND ENVIRONMENT COURT AT ISIOLO

MISCELLANEOUS APP. E001 OF 2020

HASSAN DABASO DUBA.....PLAINTIFF

VERSUS

THE CATHOLIC DIOCESE OF MARSABIT.....DEFENDANT

RULING

1. This application is dated 24th January, 2022 and seeks the following orders:-

1. **That** the application be certified as urgent and be heard forthwith exparte in the first instance.

2. **That** the Honourable Court be pleased to grant the plaintiff/Applicant leave to Appeal out of time against the Judgement of Honourable Mbayaki Wafula Senior Resident Magistrate, Marsabit delivered on 14th July, 2021.

3. **That** the memorandum of Appeal annexed herewith be deemed as duly filed upon payment of the requisite fees.

4. **That** the costs of this application be provided for.

2. The application is supported by the affidavit of George Korongo, the applicant's advocate and is also supported by the grounds itemized on its face.

3. Having perused the application I issue the following orders:

a) The application should be properly served upon the defendant within 10 days of today.

b) The date for interpartes hearing fixed by the court should be served upon the defendant within 10 days of today.

c) The application will be heard interpartes on the 21st day of February, 2022.

WRITTEN AND DELIVERED IN CHAMBERS AT ISIOLO THIS 31ST DAY OF JANUARY, 2022 IN THE PRESENCE OF:

COURT ASSISTANT: DENGE

HON. JUSTICE P. M. NJORGE

ELC JUDGE, ISIOLO