

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

ENVIRONMENT AND LAND COURT

ELC. CASE NO. 686 OF 2011

PRAFUL KUMAR LAKHANI..... PLAINTIFF

VERSUS

STEPHEN NDIRANGU WAWERU.....DEFENDANT

RULING

I have studied the Notice of Motion dated 29th January 2015 and its accompanying Affidavit sworn by the Plaintiff, sworn on 28th January 2015. The Plaintiff seeks an extension of time within which to file a witness statement of Paul Mutie to 17/4/14. In response, the Defendant filed his response by way of a “Supporting Affidavit” Sworn on 22/4/14. He opposes the Plaintiffs application. Both parties filed their written submissions which I have perused.

I see no big contest here considering that this matter has not yet been certified ready for a hearing.

Accordingly, parties are still open and allowed to comply with the provisions of **order 11 of the Civil Procedure Rule, 2010**.

No prejudice will be suffered by the Defendant if I allow this application as they are at liberty to file my other witness statements or documents they wish to in response to Mr. Paul Mutie’s witness statement.

Accordingly, I hereby allow this application. Costs in the cause. Parties to be allocated a date for pre-trial conference to pave way for the trial.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 22ND

DAY OF JULY 2016.

MARY M. GITUMBI

JUDGE