



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO. 21 OF 2016

ABDI ABDULLAHI & ANOTHER1ST PLAINTIFFS

VERSUS

MOHAMED ABDI & 2 OTHERS.....DEFENDANTS

RULING

1. This application is dated 25th August, 2016 and seeks orders:-

1. The Honourable Justice Njoroge now presiding herein be pleased to recuse himself from further handling the matter.

2. The matter be transferred to another court for hearing and determination.

3. Costs hereof be in the cause

2. The application is supported by the Affidavit of ABDI ABDULLAHI, and has the following grounds: -

(a) The Defendants have since the issuance of the last orders in Court been boasting that their Advocate on record is a friend of the Judge and shall obtain for them whatever orders they require.

(b) The proceedings for the last time when the matter was before the Court tend to suggest bias in favour of the Defendants.

3. When the matter came up for ex parte hearing on 30/09/2016, Mr. Ingutya informed the Court that he had just served Mr. Mutembei, the Defendants' Advocate. As the application concerned recusal of the Judge, Mr. Ingutya asked the Court to accord it priority over any other applications in the suit.

4. Mr. Mutembei who was present in Court intimated that he would file a Replying Affidavit . He asked the Court to give the application a priority hearing date.

5. I find that the prayer by Mr. Ingutya that the application be accorded priority over any other applications in the suit is meritorious. It is ordered as follows: -

1. The Defendants do file their reply or replies within the next 5 days.

2. The application is to be heard interpartes on 12/09/2016.

3. Costs shall be in the cause.

6. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 30TH DAY OF AUGUST, 2016 IN THE PRESENCE OF:

CC: Daniel/Lilian

Ingutya for the Plaintiffs

Mutembei for the Defendants

P. M. NJOROGE

JUDGE