



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT ISIOLO

ELC CASE NO. 012 OF 2021

ABDI ABKULLA TARI.....PLAINTIFF

VERSUS

ELECTION CO-COORDINATOR IEBC

ISIOLO NORTH & 3 OTHERS.....DEFENDANTS

RULING

1. The hearing date for this case was given on 7/3/2022.
2. On 7/3/2022 Advocate Caroline wambui told the court the advocate who represented the defendant was bereaved. She indicated that the defendant was willing to have the matter heard at the earliest possible date. This court gave 21/3/2022 as the hearing date.
3. On 21/3/2022 M/S Wangui who was holding brief for Mr. Mwangera told the court that Mr. Mwangera was not ready to proceed as he wanted to file a counter claim.
4. Mr. Makaka for the plaintiff protested that the hearing date was given in the presence of an advocate who represented the defendant and who indicated that the plaintiff wanted the matter heard at the earliest possible date.
5. I agree with Mr. Makaka that the defendants' advocate should not have told the court that he sought the earliest possible hearing date. Seeking an adjournment to enable him file a counter claim during the hearing date and over 3 years since this case was filed is unreasonable and patently unconscionable Vis -a - vis the plaintiff.
6. In the circumstances, the following orders are issued;
 - a) The hearing of the plaintiff's case should proceed today.*
 - b) The defendants' case will be heard on another date convenient to both parties.*

Written and delivered in Open Court this 21st day of March, 2022 in the presence of:

Court Assistant: Balozi

Makaka for the Plaintiff

Miss Wangui h/b Mwangera for the defendant

HON. JUSTICE P. M. NJOROGE

JUDGE