



REPUBLIC OF KENYA

High Court at Meru

Environmental & Land Case 138 of 2012

CHARITY KAMANI NTURILI.....1ST PLAINTIFF

FAITH KAGENDO OWUOCHA.....2ND PLAINTIFF

VERSUS

STEPHN KARANJA.....DEFENDANT

RULING

This matter came for interpartes hearing on 6.11.2012. The respondent's advocate said he was not ready to proceed as he had just been instructed and needed time to file a further affidavit. Interim orders were extended up to 28.11.2012. Mr. Mutuma for the respondent again was not ready and said that his client had lost a relative and therefore could not execute the replying affidavit. This Court gave him 14 days to file a replying affidavit. Mr. Mutuma also indicated that he had instructions to file an out of Court settlement. The 14 days given to file a replying affidavit was the last chance the court gave him. The matter was fixed for mention today.

Mr. Mutuma has not filed the replying affidavit. He has also not shown any indications of trying a settlement out of court as he had indicated. It is over 40 days since this application under a certificate of urgency was filed.

I find that the application dated 17th October 2012 has not been opposed. In the circumstances, the application is allowed. More particularly Orders in terms of prayers 2, 3 and 5 are granted.

DATED THIS 24TH DAY OF JANUARY, 2013 AT MERU.

**P. M. NJOROGE
JUDGE**

Read in open Court at Meru this 24th day of January 2013 in the presence of:

Arithi for applicants
Cc. Mutinda

P. M. NJORGE
JUDGE