



Gakuye & another (Suing as Legal Representatives of the Estate of Jemimah Nyabura Gakuya - Deceased) v Ngare & another (Environment & Land Case 1214 of 2014) [2022] KEELC 2581 (KLR) (14 July 2022) (Ruling)

Neutral citation: [2022] KEELC 2581 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 1214 OF 2014**

**LN MBUGUA, J
JULY 14, 2022**

BETWEEN

**WILFRED GAKUYE & JOYCE WAMBUI MBAI PLAINTIFF
SUING AS LEGAL REPRESENTATIVES OF THE ESTATE OF JEMIMAH
NYABURA GAKUYA - DECEASED**

AND

**DANIEL MBOCHA NGARE 1ST DEFENDANT
CHIEF LAND REGISTRAR NAIROBI 2ND DEFENDANT**

RULING

1. I have gone through the records; I find that from 29/9/2019 when the last witness of the plaintiff testified, the case has been adjourned severally as follows:
 - i. On 4/2/2020, the case was adjourned at instance of the plaintiff.
 - ii. On 6/7/2020, the plaintiffs sought for adjournment. It appears that they were not sure if their case was closed or not. Thereafter, parties attempted to explore settlement which did not bear fruits.
 - iii. On 3/3/2021, again the plaintiff's counsel seized of the matter was not ready.
 - iv. As for the date of 15/3/2022, the matter was removed by the court as the court was on leave; while the date of 3/5/2022 was a public holiday.
2. Thus by and large it is, the plaintiffs who have caused the adjournments in this case.
3. Secondly, I find that the issue of summons was raised by the Attorney General even long before the plaintiff's case was heard as per the proceedings of 25/7/2019.



4. In that regard, the court allows the adjournment of the case. Summons to issue as prayed by Mr. Meenge.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 14TH DAY OF JULY, 2022 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Njoroge holding brief for Karuga for the Plaintiff

Meenge for the 2nd Defendant

Court Assistant: Eddel

