



Ogega & another v Home Business Development Project Ltd (Environment and Land Appeal E009 of 2022) [2025] KEELC 3038 (KLR) (3 April 2025) (Ruling)

Neutral citation: [2025] KEELC 3038 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NYAHURURU
ENVIRONMENT AND LAND APPEAL E009 OF 2022**

LN MBUGUA, J

APRIL 3, 2025

BETWEEN

CHARLES OGEGA 1ST APPELLANT

JARED MENGE 2ND APPELLANT

AND

HOME BUSINESS DEVELOPMENT PROJECT LTD RESPONDENT

RULING

1. On 6.2.2025, this matter was mentioned before me when advocates for the parties informed the court that directions on the hearing of the appeal were given on 9.10.2024 and that parties had duly filed submissions. On that basis, the court gave a date for delivery of judgment as 3.4.2025. However, when I retired to write the judgment, I did not find the lower court file and even the record of appeal. The minute sheets of this file similarly do not capture the said documents. There is no evidence to indicate that the appeal was admitted for hearing. In terms of the provisions of Order 42 rule 13 (4), I find that the appeal is not ready for trial, hence the orders giving a date for the judgment are hereby set aside.

DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 3RD DAY OF APRIL 2025 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:

Muchangi Patrick for the Appellant

M/S Wahome H/B for Mathea for the Respondent

