



Doune Farm Limited v Soi & 4 others (Environment & Land Case 142 of 2019) [2022] KEELC 14690 (KLR) (9 November 2022) (Ruling)

Neutral citation: [2022] KEELC 14690 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE 142 OF 2019
FM NJOROGE, J
NOVEMBER 9, 2022
(FORMERLY CIVIL CASE NO: 86 OF 2002)**

BETWEEN

DOUNE FARM LIMITED PLAINTIFF

AND

RICHARD SOI 1ST DEFENDANT

JOSEPH RUNYA CHUMA 2ND DEFENDANT

JACSON MUTAI 3RD DEFENDANT

CHRISYINE LABOSO 4TH DEFENDANT

RICHARD SITIENEI 5TH DEFENDANT

RULING

1. This case was ordered to begin *de novo* by the Hon Justice Ohungo. Fresh documents were filed on behalf of the plaintiff. The interested parties are also said to have filed their bundle of documents some time back.
2. This is a very old case of 2002. As the court and parties went through the house keeping issues and they were certainly not few,-the time scheduled for the hearing of this case lapsed.
3. Through the conferencing with counsel however, it has been noted that there is need to paginate and index the bundles of documents filed in the record by the parties as evidence so as to make the hearing easier.
4. Consequently, and in order to shorten the hearing period and avoid tedium, I hereby order as follows:



1. All parties shall file only one consolidated bundle, duly indexed and paginated, comprising only of the documents filed as at today in this suit and serve it on the other parties in the suit within 14 days from today.
2. The witness statements earlier filed shall be bound together with the other documents in the consolidated bundles.
3. No new documents or witness statements shall be included save those in the file record as at today.
4. The bundles shall commence with the pleadings relied on by the parties (including the amended pleadings followed by lists of witnesses and witness statements and, lastly, followed by documents relied on in evidence.
5. Any party objecting to any document included in the consolidated bundle of the other party shall, if they object to production of that document or its copy, notify the other party filing the bundle and do so in writing within 7 days of service.
6. Every party filing a bundle shall file an affidavit of service evidencing service of the bundle for the purpose of computation of time in limb No (5) above.
7. No party shall, having defaulted in complying with limb No 5 herein above, raise any objection to the production or admission of any document or copy not objected to at the hearing save as the court may in very exceptional circumstances allow.
8. There will be a mention of this suit on November 30, 2022 to confirm compliance and to issue a hearing date for the main suit.

DATED, SIGNED AND ISSUED AT NAKURU IN OPEN COURT ON THIS 9TH DAY OF NOVEMBER, 2022.

MWANGI NJOROGE

JUDGE, ELC, NAKURU

