



**Njoroge v Kamau & another (Environment & Land Case 468 of 2011)
[2022] KEELC 15646 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEELC 15646 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 468 OF 2011
LN MBUGUA, J
DECEMBER 20, 2022**

BETWEEN

DAVID GATHUKA NJOROGE PLAINTIFF

AND

JOSEPH NJOROGE KAMAU 1ST DEFENDANT

ANN MBAIREE NJOROGE 2ND DEFENDANT

RULING

1. Before me is an application dated July 29, 2022 where the plaintiff seeks the following orders:
 - i. Spent.
 - ii. That the firm of Mutundu Wallace Advocates be granted leave to come on record for the plaintiff/applicant.
 - iii. That the honourable court be pleased review/vary, rescind and /or set aside its own orders made on September 24, 2018 dismissing the plaintiff's suit in the event of noncompliance with court orders within 30 days which were not complied with and substitute the same with an order reinstating the suit.
 - iv. That the honorable court may be pleased to order that the case do proceed to hearing and determination on merit.
 - v. That this honourable court do issue any other order that would deem fit to grant "*suo motto*" as to expeditious disposal of the application to meet the interest of justice.
 - vi. That the cost of this application be in the cause.
2. I find that the issues raised in the aforementioned application were litigated in an earlier application dated September 21, 2021, leading to a pronouncement of this court in a ruling delivered on February



23, 2022. In view of that ruling, this court cannot embark on determining the same issues all once again. The application dated July 29, 2022 is hereby dismissed with no orders as to costs, save that the new advocate is allowed to come on record. This file is marked as closed and shall be taken to the archives.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF DECEMBER, 2022 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Njigina holding brief for Chege for Plaintiff Applicant

Court assistant: Eddel

