

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC SUIT NO. 12 OF 2019

**ESTHER MPANDI MUCHENA (suing as administrator of the
estate of Amos Muchena M'Arimi (deceased)).....PLAINTIFF/APPLICANT**

VERSUS

**NKANDO FARMERS COOPERATIVE
SOCIETY LIMITED.....1ST DEFENDANT/RESPONDENT
THOMAS KINOTI.....2ND DEFENDANT/RESPONDENT**

RULING

1. Vide an application dated 13.2.2020, the applicant/ plaintiff is seeking an order to review and set aside the orders of 10.2.2020 where her application dated 23.1.2020 was dismissed for want of prosecution. She urges the court to reinstate the said application averring that the failure by her advocate to appear in court on 10.2.2020 was inadvertent and excusable.

2. I find that the current application dated on 13.2.2020 is unopposed. The same is allowed with no orders as to costs.

DATED, SIGNED AND DELIVERED AT MERU THIS 3RD DAY OF FEBRUARY, 2021

HON. LUCY. N. MBUGUA

ELC JUDGE

ORDER

The date of delivery of this Ruling was given to the advocates for the parties through a virtual session via Microsoft teams on 28.10.2020. In light of the declaration of measures restricting court operations due to the *COVID-19 pandemic* and following the practice directions issued by his Lordship, the Chief Justice dated 17th March, 2020 and published in the Kenya Gazette of 17th April 2020 as Gazette Notice no.3137, this Ruling has been delivered to the parties by electronic mail. They are deemed to have waived compliance with order 21 rule 1 of the *Civil Procedure Rules* which requires that all judgments and rulings be pronounced in open court.

HON. LUCY N. MBUGUA

ELC JUDGE