



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT KITALE**

**MISC APPLICATION NO. 1 OF 2021**

**JAYESH AUTOSPARES LTD.....APPLICANT**

**VERSUS**

**KAPTERIT RAPID CO. LTD.....1<sup>ST</sup> RESPONDENT**

**JOHN WEPUKHUKU WALIAULA.....2<sup>ND</sup> RESPONDENT**

**THE ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

**RULING**

1. The applicant filed an application dated **13/1/2021** seeking orders that there be a stay of execution of **2** bills of costs in the matter pending the hearing of this application and the reference in **Kitale ELC No 73 of 2013** and that this court do entertain the reference and make a determination on certain items therein. Costs were also prayed for. Prayers **nos 2** and **3** of the application which were interlocutory in nature were granted on **15/1/2021**.

2. The application herein could have been struck out for want of evidence of service alone. However, I have perused the application and the supporting affidavit. I find that this is a stand-alone miscellaneous application that has been lodged outside the file for the main cause and which has not had the copies of bills of costs annexed to it. Neither is the impugned decision of the Deputy Registrar attached. I find that this court is not in a position to hear and determine it and I hereby strike it out. I will make no orders as to costs since there is no evidence that the same was served and in any event there is no response by the respondent. For the avoidance of doubt all the interim orders issued on **15/1/2021** are hereby vacated.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI VIA ELECTRONIC MAIL ON THIS 31ST DAY OF MARCH, 2021.**

**MWANGI NJOROGE**

**JUDGE, ELC, KITALE.**