



**Waithaka & 3 others v Gitau & 2 others (Environment and Land Appeal 105 of 2021) [2024] KEELC 4622 (KLR) (3 June 2024) (Ruling)**

Neutral citation: [2024] KEELC 4622 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT THIKA  
ENVIRONMENT AND LAND APPEAL 105 OF 2021**

**BM EBOSO, J**

**JUNE 3, 2024**

**BETWEEN**

**MARGARET WANJIKU WAITHAKA ..... 1<sup>ST</sup> APPELLANT**  
**CATHERINE WAMBUI KAREKEZI ..... 2<sup>ND</sup> APPELLANT**  
**ANN NJERI WAITHAKA ..... 3<sup>RD</sup> APPELLANT**  
**ANGELA WANJIRU WOKABI ..... 4<sup>TH</sup> APPELLANT**

**AND**

**MARY MUTHONI GITAU ..... 1<sup>ST</sup> RESPONDENT**  
**ANDREA WAMBUI GITAU ..... 2<sup>ND</sup> RESPONDENT**  
**WAITHAKA GITAU ..... 3<sup>RD</sup> RESPONDENT**

*(Being an Appeal against the Ruling of Hon G. Omodho, Principal Magistrate, delivered on 3/11/2021 in Kiambu Chief Magistrate Court MCL & E Case No. E045 of 2021)*

**RULING**

1. This court is seized of this matter as a first appellate court. Among the key records that will form the basis of the disposal of the appeal is the original record of the lower court.
2. At this point, this court is seized of the said original record of the lower court. A perusal of the said original record of the lower court reveals that all the four documents that were alleged to be missing in the record of appeal filed in this appeal are contained in the original record of the lower court.
3. Against the above background, the applicants in the application dated 27/2/2024 seek to withdraw the said application with no order as to costs.



4. Given that the court is seized of the original record of the lower court, the application dated 27/2/2024 is moot.
5. The court will allow the applicants to withdraw the said application with no order as to costs as orally requested by the applicants. The oral plea to withdraw the application dated 27/2/2024 with no order as to costs is granted.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 3RD DAY OF JUNE 2024**

**B M EBOSO**

**JUDGE**

In the Presence of: -

Ms Wanjiku for the Appellants

Mr Kuria for the Respondents

Court Assistant: Hinga

