



Wandaka t/a Kinuthia Wandaka & Co Advocates v Musyoki (Environment & Land Miscellaneous Case 10 of 2020) [2024] KEELC 5402 (KLR) (11 July 2024) (Ruling)

Neutral citation: [2024] KEELC 5402 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND MISCELLANEOUS CASE 10 OF 2020
LC KOMINGOI, J
JULY 11, 2024

BETWEEN

STANLEY KM WANDAKA T/A KINUTHIA WANDAKA & CO
ADVOCATES ADVOCATE

AND

NAOMI KANYUA MUSYOKI RESPONDENT

RULING

1. This is the Notice of Motion dated 7th August 2023 brought under: Section 1A, 1B, & 3A of the *Civil Procedure Act* Order 12 Rule 7 and Order 51 rule 1 of the *Civil Procedure Rules* and ALL other enabling provisions of the Law.
2. It seeks orders;
 - 1) That the application dated 18th April, 2023 and or the suit be reinstated.
 - 2) That the costs of this application be provided.
3. The grounds are on the face of the application and are set out in paragraphs a-b.
4. The application is supported by the affidavit of Stanley Wandaka Advocate/Applicant sworn on the 7th August 2023.
5. The Application is opposed. There are grounds of opposition filed by the Respondent dated 5th February 2024.
6. The Notice of Motion was canvassed by oral submissions on 11th March 2024.
7. I have considered the Notice of Motion, the affidavit in support, the grounds of opposition and the rival submissions. The issue for determination is whether this application is merited.



8. I have gone through the affidavit of the advocate and the reasons advanced as to what transpired on 27th July 2023. I am satisfied with the explanation given.
9. The Respondent will not be prejudiced in any way if this Notice of Motion dated 18th April 2023 is reinstated.
10. I find merit in this application and the same is allowed. The costs be borne by the Applicant.

DATED, SIGNED AND DELIVERED VIRTUALLY IN KAJIADO THIS 11TH DAY OF JULY, 2024.

L. KOMINGOI

JUDGE.

In the presence of:-

N/A for the Applicant.

Mr. Kali for Mr. E. Mutua (SC) for the Respondent.

Court Assistant – Mutisya.

