



**Warirah v Deputy County Commissioner, Kasarani Sub County,
Nairobi County & 3 others (Environment & Land Case 119 of 2020)
[2024] KEELC 6245 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 6245 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 119 OF 2020
LN MBUGUA, J
SEPTEMBER 17, 2024**

BETWEEN

REUBEN MAGONDU WARIRAH PLAINTIFF

AND

**THE DEPUTY COUNTY COMMISSIONER, KASARANI SUB COUNTY,
NAIROBI COUNTY 1ST DEFENDANT**

**THE CABINET SECRETARY, MINISTRY OF INTERIOR & COORDINATION
OF NATIONAL GOVERNMENT 2ND DEFENDANT**

THE HONOURABLE ATTORNEY GENERAL 3RD DEFENDANT

**NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND
BOARD 4TH DEFENDANT**

RULING

1. I have perused the entire record. I find that this court conducted pretrial on 9.3.2023 whereby each party was directed to file/serve their paginated Trial bundle containing their witness statement and documents. At no time did the 4th defendant identify a witness whom they desired to call for purposes of cross examination only.
2. The records indicate that the Deputy County Commissioner was summoned to give testimony in this matter at the request of the 1st – 3rd defendants on 13.7.2023, but eventually the said 1st – 3rd defendants informed the court that the summoned officer did not comply. The issue of summons was revisited on 23.10.2023 and eventually on 15.5.2024, the court declined to adjourn the cases on the basis that a witness for 1st – 3rd defendants (the Deputy County Commissioner) was to appear in court. With that, the case of the 1st – 3rd defendants was closed.



3. There is therefore no basis upon which the 4th defendant can ride on the summons which had been requested by the 1st – 3rd defendants to make a case to call “a certain witness” for cross examination or otherwise!

4. In that regard I decline to adjourn the case.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 17th DAY OF SEPTEMBER 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Mr. Lubulellah for the Plaintiff

Chilaka holding brief for Ms Kubai for 1st – 3rd defendants

Abidha for 4th Defendant

Court Assistant: Joan

